

HOUSE BILL 321

L2

0lr0941

By: **Prince George's County Delegation**

Introduced and read first time: January 20, 2020

Assigned to: Environment and Transportation and Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Authority to Impose Fees for Use of Disposable Bags**

3 **PG 401–20**

4 FOR the purpose of authorizing Prince George's County to impose, by law, a fee on certain
5 retail establishments for the use of disposable bags as part of a retail sale of products;
6 limiting the amount of a certain fee; restricting the use of a certain fee; defining
7 certain terms; and generally relating to the authority for Prince George's County to
8 impose a fee for the use of disposable bags.

9 BY adding to

10 Article – Local Government
11 Section 13–1002
12 Annotated Code of Maryland
13 (2013 Volume and 2019 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Local Government**

17 **13–1002.**

18 (A) **THIS SECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.**

19 (B) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
20 **INDICATED.**

21 (2) (I) **“DISPOSABLE BAG” MEANS A PAPER OR PLASTIC BAG**
22 **PROVIDED BY A STORE TO A CUSTOMER AT THE POINT OF SALE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(II) “DISPOSABLE BAG” DOES NOT INCLUDE:

1. A DURABLE PLASTIC BAG WITH HANDLES THAT IS AT LEAST 2.25 MILS THICK AND IS DESIGNED AND MANUFACTURED FOR MULTIPLE REUSE;

2. A BAG USED TO:

A. PACKAGE BULK ITEMS, INCLUDING FRUIT, VEGETABLES, NUTS, GRAINS, CANDY, OR SMALL HARDWARE ITEMS;

B. CONTAIN OR WRAP FROZEN FOODS, MEAT, OR FISH, WHETHER PREPACKAGED OR NOT;

C. CONTAIN OR WRAP FLOWERS, POTTED PLANTS, OR OTHER DAMP ITEMS;

D. CONTAIN UNWRAPPED PREPARED FOODS OR BAKERY GOODS; OR

E. CONTAIN A NEWSPAPER OR DRY CLEANING;

3. A BAG PROVIDED BY A PHARMACIST TO CONTAIN PRESCRIPTION DRUGS; OR

4. PLASTIC BAGS SOLD IN PACKAGES CONTAINING MULTIPLE PLASTIC BAGS INTENDED FOR USE AS GARBAGE, PET WASTE, OR YARD WASTE BAGS.

(3) “STORE” MEANS A RETAIL ESTABLISHMENT THAT PROVIDES DISPOSABLE BAGS TO CUSTOMERS AS A RESULT OF THE SALE OF A PRODUCT.

(C) (1) THE COUNTY MAY IMPOSE, BY LAW, A FEE ON A STORE FOR THE USE OF DISPOSABLE BAGS AS A PART OF A RETAIL SALE OF PRODUCTS.

(2) THE FEE IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT EXCEED 5 CENTS FOR EACH DISPOSABLE BAG USED.

(D) THE COUNTY MAY USE THE REVENUE FROM A FEE IMPOSED UNDER SUBSECTION (C) OF THIS SECTION ONLY:

(1) FOR AN ENVIRONMENTAL PURPOSE, INCLUDING THE

1 ESTABLISHMENT OF A PROGRAM TO PROVIDE REUSABLE BAGS TO INDIVIDUALS IN
2 THE COUNTY;

3 (2) FOR THE IMPLEMENTATION, ADMINISTRATION, AND
4 ENFORCEMENT OF THE FEE;

5 (3) FOR LITTER CLEAN-UP, ENVIRONMENTAL STEWARDSHIP, AND
6 PROGRAMS THAT SUPPORT RESIDENTS, INCLUDING THE RAIN CHECK REBATE
7 PROGRAM; AND

8 (4) FOR PARTIALLY OFFSETTING THE ADMINISTRATIVE EXPENSE OF
9 RETAIL ESTABLISHMENTS FOR COLLECTING AND REMITTING THE FEE.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2020.