

A024 - 0809

10 AN ACT CONCERNING
20 **Plastic Bags – Standards for use**

30 FOR the purpose of protecting the environment and Chesapeake Bay while stimulating “green
jobs” in Maryland.

40 BY enacting
50 Article – Environment
60 Title §19-401: Plastic Bag Laws
70 Annotated Code of Maryland

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

100 Article—Business Regulation
110 §19-401

120 (a) DEFINITIONS

130 (i) “ASTM STANDARD” MEANS THE AMERICAN SOCIETY FOR
140 TESTING AND MATERIALS (ASTM)’S INTERNATIONAL
150 STANDARD D6400 FOR COMPOSTABLE PLASTIC, AS THAT
160 STANDARD MAY BE AMENDED FROM TIME TO TIME.

170 (ii) “COMPOSTABLE PLASTIC BAG” MEANS A PLASTIC BAG
180 (1) MEETS THE CURRENT ASTM-STANDARD
190 SPECIFICATIONS FOR COMPOSTABILITY, (2) IS CERTIFIED
200 AND LABELLED AS MEETING THE ASTM-STANDARD BY A
210 RECOGNIZED VERIFICATION ENTITY SUCH AS THE
220 BIODEGRADABLE PRODUCT INSTITUTE (3) CONFORMS TO
230 REQUIREMENTS TO ENSURE THAT THE RENEWABLE BASED
240 PRODUCT CONTENT IS MAXIMIZED OVER TIME.

250 (iii) “CHECKOUT BAG” MEANS A CARRYOUT BAG THAT IS
260 PROVIDED BY A STORE TO A CUSTOMER AT THE POINT OF
270 SALE.

280 (iv) “PERSON” MEANS AN INDIVIDUAL, TRUST, FIRM, JOINT
290 STOCK COMPANY, CORPORATION, COOPERATIVE,
300 PARTNERSHIP, OR ASSOCIATION.

310 (v) “PHARMACY” MEANS A RETAIL USE WHERE THE
320 PROFESSION OF PHARMACY BY A PHARMACIST LICENSED
330 BY THE STATE OF MARYLAND AND WHERE PERSCRPTIONS
340 (AND POSSIBLY OTHER MERCHANDISE) ARE OFFERED FOR
350 SALE, EXCLUDING SUCH RETAIL USES LOCATED INSIDE A
360 HOSPITAL.

370 (vi) “RECYCLABLE” MEANS MATERIAL THAT CAN BE
380 SORTED, CLEANSED, AND RECONSTITUTED USING
390 MARYLAND’S AVAILABLE RECYCLING COLLECTION
400 PROGRAMS FOR THE PURPOSE OF USING THE ALTERED
410 FORM IN THE MANUFACTURE OF A NEW PRODUCT.
420 RECYCLING DOES NOT INCLUDE BURNING, INCINERATING,
430 CONVERTING, OR OTHERWISE THERMALLY DESTROYING
440 SOLID WASTE.

450 (vii) “RECYCLABLE PAPER BAG” MEANS A PAPER BAG THAT
460 MEETS ALL OF THE FOLLOWING REQUIREMENTS:

470 (1) CONTAINS NO OLD GROWTH FIBER, (2) IS 100%
480 RECYCLABLE OVERALL AND CONTAINS A MINIMUM OF
490 40% POST-CONSUMER RECYCLED CONTENT.

500 (viii) "REUSEABLE BAG" MEANS A BAG WITH HANDLES
510 THAT IS SPECIFICALLY DESIGNED AND MANUFACTURED
520 FOR MULTIPLE USE AND IS EITHER (1) MADE OF CLOTH OF
530 OTHER MACHINE WASHABLE FABRIC, AND/OR (2) MADE OF
540 DUABLE PLASTIC THAT IS AT LEAST 2.25 MILS THICK.
550 (ix) "STORE" MEANS A RETAIL ESTABLISHMENT LOCATED
560 WITHIN THE GEOGRAPHICAL LIMITS OF THE STATE OF
570 MARYLAND AND THAT MEETS EITHER OF
580 THE FOLLOWING REQUIREMENTS:
590 1. IS A FULL-LINE, SELF-SERVICE SUPERMARKET
600 WITH GROSS ANNUAL SALES OF TWO MILLION
610 DOLLARS (\$2,000,000), OR MORE, AND WHICH
620 SELLS A LINE OF DRY GROCERY, CANNED GOODS,
630 OR NONFOOD ITEMS AND SOME PERISHABLE
640 ITEMS.
650 2. IS A RETAIL PHARMACY WITH AT LEAST FIVE
660 LOCATIONS UNDER THE SAME OWNERSHIP IN THE
670 STATE OF MARYLAND.
680 (b) BAGS:
690 (i) ALL STORES SHALL PROVIDE ONLY THE FOLLOWING AS
700 CHECKOUT BAGS TO CUSTOMERS; RECYCLEABLE PAPER
710 BAGS, AND/OR COMPOSTABLE PLASTIC BAGS, AND/OR
720 REUSEABLE BAGS.
730 (ii) VIOLATION OF THE REQUIREMENTS SET FORTH IN
740 SUBSECTION C.
750 (iii) NOTHING IN THIS SECTION SHALL BE READ TO
760 PRECLUDE STORES FROM MAKING REUSEALBE BAGS
770 AVAILABLE FOR SALE TO CUSTOMERS.
780 (c) PENALTIES:
790 (i) ANY PERSON IN VIOLATION OF §19-401 IS GUILTY OF A
800 MISDEMEANOR, AND ON CONVICTION IS SUBJECT TO (1) A
810 FINE NOT EXCEEDING \$1000 FOR A FIRST VIOLATION, (2) A
820 FINE NOT EXCEEDING \$2000 FOR A SECOND VIOLATION
830 WITHIN THE SAME YEAR, AND (3) A FINE NOT EXCEEDING
840 \$3000 FOR EACH ADDITIONAL VIOLATION.

850 SECTION 2: AND BE IT FURTHER ENACTED, that this act shall take effect one year after its
effective date.

860
870 Mandates: Governor Martin O'Malley
880 Speaker of the House Michael Busch
890 President of the Senate Thomas V. "Mike" Miller
900 House Majority Leader Kumar Barve
910 House Minority Leader Anthony J. O'Donnell
920 Senate Majority Leader Edward J. Kasemeyer
930 Senate Minority Leader Allan H. Kittleman
940 Delegate Maggie McIntosh, Chair, Environmental Matters Committee
950 Senator Joan Carter Conway, Chair, Education, Health & Environmental Affairs
960 Committee

Sponsor:

McDaniel College Delegation