

Introduced Nov. 4, 2019
Public Hearing Nov. 18, 2019
Council Action Dec. 2, 2019
Executive Action Dec. 6, 2019
Effective Date Feb 5, 2020

County Council of Howard County, Maryland

2019 Legislative Session

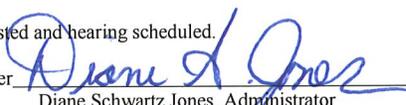
Legislative Day No. 13

Bill No. 64 -2019

Introduced by: Opel Jones and Christiana Mercer Rigby

AN ACT to require a specified fee on certain disposable bags; providing for the collection of the fee and the administration of the subtitle; specifying the duties of certain stores; creating a Disposable Plastics Reduction Fund; providing for the administration and uses of the Fund; providing for penalties for certain violations; requiring certain studies and reports; and generally relating to disposable bags in the County.

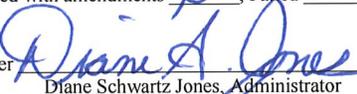
Introduced and read first time November 4, 2019. Ordered posted and hearing scheduled.

By order 
Diane Schwartz Jones, Administrator

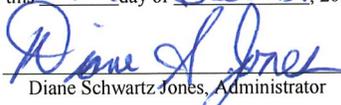
Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on November 18, 2019.

By order 
Diane Schwartz Jones, Administrator

This Bill was read the third time on December 2, 2019 and Passed Passed with amendments Failed .

By order 
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 4th day of December, 2019 at 3 a.m. (p.m.)

By order 
Diane Schwartz Jones, Administrator

Approved by the County Executive December 6, 2019


Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the Howard
2 County Code is amended as follows:

3 *By adding:*

4 *Title 20 - Taxes, charges, and fees*

5 *Subtitle 13. Disposable bag fees.*

6
7 **Title 20 - Taxes, charges, and fees**

8 **SUBTITLE 13. DISPOSABLE BAG FEES**

9
10 **SEC. 20.1300. DEFINITIONS.**

11 (A) *IN GENERAL.*

12 IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

13 (B) *“DISPOSABLE BAG”.*

14 *“DISPOSABLE BAG” HAS THE MEANING STATED IN SECTION 13-1001 OF THE LOCAL*
15 *GOVERNMENT ARTICLE OF THE MARYLAND CODE.*

16 (C) *“STORE”.*

17 *“STORE” HAS THE MEANING STATED IN SECTION 13-1001 OF THE LOCAL GOVERNMENT*
18 *ARTICLE OF THE MARYLAND CODE.*

19 **SEC. 20.1301. FEE IMPOSITION.**

20 AS AUTHORIZED BY TITLE 13, SUBTITLE 10 OF THE LOCAL GOVERNMENT ARTICLE OF THE
21 MARYLAND CODE, A FEE OF 5 CENTS IS IMPOSED FOR EACH DISPOSABLE BAG THAT A STORE
22 PROVIDES TO A CUSTOMER.

23 **SEC. 20.1302. DUTIES OF STORE.**

24 (A) *COLLECTION.*

25 (1) EACH STORE THAT PROVIDES A DISPOSABLE BAG TO A CUSTOMER MUST
26 COLLECT THE FEE IMPOSED BY SECTION 20.1301 OF THIS SUBTITLE WHEN THE CUSTOMER PAYS FOR
27 THE PRODUCTS PLACED IN THE DISPOSABLE BAG.

28 (2) THE STORE MUST INDICATE ON THE CUSTOMER’S RECEIPT THE NUMBER OF
29 DISPOSABLE BAGS PROVIDED TO THE CUSTOMER AND THE FEES COLLECTED FOR THE DISPOSABLE
30 BAGS.

31 (B) *REMITTANCE.*

1 (1) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A STORE SHALL REMIT THE
2 FEES COLLECTED UNDER SUBSECTION (A) OF THIS SECTION TO THE DIRECTOR OF FINANCE ON OR
3 BEFORE THE STORE'S LAST BUSINESS DAY OF EACH CALENDAR QUARTER. THE STORE MUST
4 INCLUDE WITH THE REMITTANCE THE INFORMATION THAT THE DIRECTOR OF FINANCE REQUIRES.

5 (2) TO COVER THE ADMINISTRATIVE EXPENSE OF COLLECTING AND REMITTING THE
6 FEE, THE STORE MAY RETAIN UP TO ~~10%~~ 20% OF EACH 5 CENT FEE COLLECTED.

7 (3) IF A STORE DOES NOT COMPLY WITH PARAGRAPH (1) OF THIS SUBSECTION, THE
8 DIRECTOR OF FINANCE MAY ESTIMATE THE REMITTANCE DUE AND SEND A BILL TO THE STORE AT
9 THE STORE'S LAST KNOWN ADDRESS. THE STORE SHALL PAY THE BILL WITHIN 10 DAYS AFTER THE
10 BILL IS SENT.

11 (4) A STORE NEED NOT REMIT THE FEES COLLECTED UNTIL THE AMOUNT COLLECTED
12 IS AT LEAST \$50 QUARTERLY.

13 (5) A STORE SHALL HOLD THE FEES COLLECTED IN TRUST FOR THE COUNTY UNTIL
14 THE STORE REMITS THE COLLECTED FEES TO THE COUNTY.

15 (C) *RECORDS.*

16 EACH STORE SHALL KEEP FOR 3 YEARS THE RECORDS REQUIRED TO VERIFY THE
17 AMOUNTS CALCULATED UNDER THIS SECTION.

18 (D) *SIGNAGE.*

19 EACH STORE SHALL POST APPROPRIATE NOTICES DESIGNED TO REMIND CUSTOMERS
20 TO USE NON-DISPOSABLE BAGS, INCLUDING POSTING AT EACH PLACE WHERE SHOPPING CARTS ARE
21 KEPT FOR CUSTOMERS AND AT EACH PLACE WHERE CUSTOMERS PAY. THE DIRECTOR OF FINANCE
22 IN CONSULTATION WITH THE OFFICE OF COMMUNITY SUSTAINABILITY MAY ADOPT GUIDELINES TO
23 CARRY OUT THIS SECTION.

24 **SEC. 20.1303. ADMINISTRATION BY COUNTY.**

25 EXCEPT AS OTHERWISE INDICATED, THE DEPARTMENT OF FINANCE SHALL ADMINISTER
26 THIS SUBTITLE.

27 **SEC. 20.1304. PENALTIES.**

28 (A) *LATE REMITTANCE PENALTY.*

29 A STORE THAT DOES NOT REMIT THE FEES AS THIS SUBTITLE REQUIRES IS LIABLE FOR
30 INTEREST ON THE OVERDUE REMITTANCE AT A RATE OF 1 % PER MONTH FOR EACH MONTH, OR
31 PART OF A MONTH, THAT THE REMITTANCE IS DUE.

1 (B) *VIOLATION OF SUBTITLE.*

2 FAILURE TO COLLECT THE FEES, REMIT THE FEES, SUBMIT THE REQUIRED INFORMATION,
3 KEEP THE RECORDS, OR POST THE SIGNS AS THIS SUBTITLE REQUIRES IS A CLASS A CIVIL VIOLATION
4 SUBJECT TO CIVIL PENALTIES UNDER TITLE 24 OF THIS CODE. FOR PURPOSES OF TITLE 24, THE
5 DIRECTOR OF FINANCE IS THE ENFORCEMENT OFFICIAL.

6 (C) *CONTINUING REQUIREMENT TO COMPLY.*

7 THE IMPOSITION OF A CIVIL PENALTY DOES NOT RELIEVE A STORE OF ANY REQUIREMENTS
8 OF THIS SUBTITLE.

9 **SEC. 20.1305. DISPOSABLE PLASTICS REDUCTION FUND.**

10 (A) *IN GENERAL.*

11 THERE IS A NON-REVERTING FUND KNOWN AS THE DISPOSABLE PLASTICS REDUCTION
12 FUND.

13 (B) *COMPONENTS.*

14 THE DISPOSABLE PLASTICS REDUCTION FUND CONSISTS OF MONEY COLLECTED UNDER
15 THIS SUBTITLE, INCLUDING CIVIL PENALTIES.

16 **SEC. 20.1306. DISPOSITION OF FEE REVENUES.**

17 THE OFFICE OF COMMUNITY SUSTAINABILITY AND THE DEPARTMENT OF FINANCE SHALL
18 USE THE DISPOSABLE PLASTICS REDUCTION FUND:

19 (1) FOR AN ENVIRONMENTAL PURPOSE, INCLUDING:

20 (I) THE ESTABLISHMENT OF A PROGRAM TO PROVIDE REUSABLE BAGS TO
21 INDIVIDUALS IN THE COUNTY, PREDOMINANTLY TO VULNERABLE INDIVIDUALS;

22 (II) MAKING GRANTS TO ENTITIES ENGAGED IN:

23 A. WATER QUALITY AND WATER POLLUTION EDUCATION;

24 B. ENVIRONMENTAL EDUCATION PROGRAMS THAT SUPPORT SCHOOL
25 CURRICULUM;

26 C. STREAM CLEAN UPS; OR

27 D. ANTI-LITTERING EDUCATION; AND

28 (III) ACTIVITIES TO EDUCATE THE PUBLIC ABOUT THE BENEFITS AND METHODS OF
29 REDUCING THE USE OF DISPOSABLE PLASTICS; AND

30 (2) TO IMPLEMENT, ADMINISTER, AND ENFORCE THIS SUBTITLE.

31 **SEC. 20.1307. STUDIES & REPORTS.**

1 (A) *IN GENERAL.*

2 WITHIN 30 DAYS AFTER THE END OF EACH FISCAL YEAR AND IN ACCORDANCE WITH
3 SECTION 22.1000 OF THIS CODE, THE DEPARTMENT OF FINANCE JOINTLY WITH THE OFFICE OF
4 COMMUNITY SUSTAINABILITY SHALL SUBMIT A REPORT TO THE COUNTY COUNCIL AND THE
5 COUNTY EXECUTIVE THAT INCLUDES:

6 (1) AN ANALYSIS OF THE FEES COLLECTED UNDER THIS SUBTITLE;

7 (2) THE COST TO THE COUNTY OF CARRYING OUT THIS SUBTITLE;

8 (3) AN EVALUATION OF THE COUNTY'S PROGRESS IN REDUCING THE USE OF DISPOSABLE
9 BAGS AND OTHER DISPOSABLE PLASTICS;

10 (4) THE IMPACT ON AND THE RESPONSES OF STORES THAT ARE SUBJECT TO THIS SUBTITLE;

11 AND

12 (5) RECOMMENDATIONS ON CHANGES TO THIS SUBTITLE OR ALTERNATIVE APPROACHES TO
13 REDUCING THE USE OF DISPOSABLE PLASTICS.

14 (B) *ASSISTANCE.*

15 EACH UNIT OF COUNTY GOVERNMENT SHALL COOPERATE WITH THE DEPARTMENT OF
16 FINANCE AND THE OFFICE OF COMMUNITY SUSTAINABILITY IN CARRYING OUT THIS SECTION.

17
18 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland that
19 *enforcement of this Act shall begin on ~~July 1, 2020~~ October 1, 2020.*

20
21 ***Section 3. And Be It Further Enacted*** by the County Council of Howard County, Maryland that
22 *this Act shall become effective 61 days after its enactment.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on December 6, 2019.

Diane Schwartz Jones
Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2019.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2019.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2019.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2019.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2019.

Diane Schwartz Jones, Administrator to the County Council