

SUBTITLE 13. - DISPOSABLE BAG FEES.

Sec. 20.1300. - Definitions.

- (a) *In general.* In this section, the following words have the meanings indicated.
- (b) *Disposable bag.* "Disposable bag" has the meaning stated in section 13-1001 of the Local Government Article of the Maryland Code.
- (c) *Store.* "Store" has the meaning stated in section 13-1001 of the Local Government Article of the Maryland Code.

(C.B. 64, 2019, § 1)

Sec. 20.1301. - Fee imposition.

As authorized by Title 13, subtitle 10 of the Local Government article of the Maryland Code, a fee of five cents is imposed for each disposable bag that a store provides to a customer.

(C.B. 64, 2019, § 1)

Sec. 20.1302. - Duties of store.

- (a) *Collection.*
 - (1) Each store that provides a disposable bag to a customer must collect the fee imposed by section 20.1301 of this subtitle when the customer pays for the products placed in the disposable bag.
 - (2) The store must indicate on the customer's receipt the number of disposable bags provided to the customer and the fees collected for the disposable bags.
- (b) *Remittance.*
 - (1) Subject to paragraph (4) of this subsection, a store shall remit the fees collected under subsection (a) of this section to the Director of Finance on or before the store's last business day of each calendar quarter. The store must include with the remittance the information that the Director of Finance requires.
 - (2) To cover the administrative expense of collecting and remitting the fee, the store may retain up to 20 percent of each five-cent fee collected.
 - (3) If a store does not comply with paragraph (1) of this subsection, the Director of Finance may estimate the remittance due and send a bill to the store at the store's last known address. The store shall pay the bill within ten days after the bill is sent.
 - (4) A store need not remit the fees collected until the amount collected is at least \$50.00 quarterly.
 - (5) A store shall hold the fees collected in trust for the County until the store remits the collected fees to the County.
- (c) *Records.* Each store shall keep for three years the records required to verify the amounts calculated under this section.
- (d) *Signage.* Each store shall post appropriate notices designed to remind customers to use non-disposable bags, including posting at each place where shopping carts are kept for customers and at each place where customers pay. The Director of Finance in consultation with the Office of Community Sustainability may adopt guidelines to carry out this section.

(C.B. 64, 2019, § 1)

Sec. 20.1303. - Administration by County.

Except as otherwise indicated, the Department of Finance shall administer this subtitle.

(C.B. 64, 2019, § 1)

Sec. 20.1304. - Penalties.

- (a) *Late remittance penalty.* A store that does not remit the fees as this subtitle requires is liable for interest on the overdue remittance at a rate of one percent per month for each month, or part of a month, that the remittance is due.
- (b) *Violation of subtitle.* Failure to collect the fees, remit the fees, submit the required information, keep the records, or post the signs as this subtitle requires is a Class A civil violation subject to civil penalties under title 24 of this Code. For purposes of title 24, the Director of Finance is the enforcement official.
- (c) *Continuing requirement to comply.* The imposition of a civil penalty does not relieve a store of any requirements of this subtitle.

Sec. 20.1305. - Disposable Plastics Reduction Fund.

- (a) *In general.* There is a non-reverting fund known as the Disposable Plastics Reduction Fund.
- (b) *Components.* The Disposable Plastics Reduction Fund consists of money collected under this subtitle, including civil penalties.

(C.B. 64, 2019, § 1)

Sec. 20.1306. - Disposition of fee revenues.

The Office of Community Sustainability and the Department of Finance shall use the Disposable Plastics Reduction Fund:

- (1) For an environmental purpose, including:
 - (i) The establishment of a program to provide reusable bags to individuals in the County, predominantly to vulnerable individuals;
 - (ii) Making grants to entities engaged in:
 - a. Water quality and water pollution education;
 - b. Environmental education programs that support school curriculum;
 - c. Stream clean ups; or
 - d. Anti-littering education; and
 - (iii) Activities to educate the public about the benefits and methods of reducing the use of disposable plastics; and
- (2) To implement, administer, and enforce this subtitle.

(C.B. 64, 2019, § 1)

Sec. 20.1307. - Studies and reports.

- (a) *In general.* Within 30 days after the end of each fiscal year and in accordance with section 22.1000 of this Code, the Department of Finance jointly with the Office of Community Sustainability shall submit a report to the County Council and the County Executive that includes:
 - (1) An analysis of the fees collected under this subtitle;
 - (2) The cost to the County of carrying out this subtitle;

- (3) An evaluation of the County's progress in reducing the use of disposable bags and other disposable plastics;
- (4) The impact on and the responses of stores that are subject to this subtitle; and
- (5) Recommendations on changes to this subtitle or alternative approaches to reducing the use of disposable plastics.

(b) *Assistance.* Each unit of County government shall cooperate with the Department of Finance and the Office of Community Sustainability in carrying out this section.

(C.B. 64, 2019, § 1)