

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

**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 \_\_\_\_\_, 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 \_\_\_\_\_, 2019.

By order \_\_\_\_\_  
Diane Schwartz Jones, Administrator

This Bill was read the third time on \_\_\_\_\_, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2019 at \_\_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Diane Schwartz Jones, Administrator

Approved by the County Executive \_\_\_\_\_, 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 % 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.*

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.*