



House Bill 209

Plastics and Packaging Reduction Act

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Environment and Transportation and
Economic Matters Committees

Date: February 11, 2020

From: Alex Butler

The Maryland Association of Counties (MACo) **SUPPORTS HB 209 WITH AMENDMENTS**. As introduced, the bill would preempt several existing or pending county programs and divert revenues from important local environmental purposes.

The bill would prohibit retailers from providing customers with certain plastic carryout bags and require that retailers collect 10 cents for every “durable bag” they provide. However, the bill would also needlessly preempt incoming or already established bag ban programs in Baltimore City and Baltimore and Montgomery Counties and in practice prohibit any other county from establishing such a program. Additionally, the bill requires counties to act as the enforcers of the bill’s provisions.

Currently, Howard County imposes a 5-cent fee on plastic bags. The estimated revenue per year for the County is \$685,400, and the money collected is allocated to worthy causes such as providing reusable bags to vulnerable residents and grants for water quality measures. Montgomery County has a 5-cent fee which generates roughly \$2.5 million dollars per year. That money goes into their Water Quality Protection Charge (WPQC) fund that provides financing for improvements to the water quality of local streams and efforts to reduce the impacts of stormwater runoff. Baltimore City just enacted a 5-cent fee and will use a portion of that fee for program administration and enforcement.

The attached amendments would maintain the overall objectives in the bill while also addressing the preemption issue by requiring that 5 cents from the bill’s proposed 10-cent fee would go to county governments for water quality projects, litter control initiatives, reusable bag programs for vulnerable residents, and enforcement efforts under the bill.

HB 209 addresses an important environmental concern but needlessly preempts existing county programs and mandates counties enforce the bill’s provisions. For these reasons, MACo requests the Committee give HB 209 a report of **FAVORABLE WITH AMENDMENTS**.

MACo SUGGESTED AMENDMENTS TO HB 209

On page 3, strike in their entirety lines 13 through 25 and substitute

“19-106.

(C) (1) (I) A STORE SHALL CHARGE AND COLLECT AT LEAST 10 CENTS FOR EACH DURABLE CARRYOUT BAG THAT THE STORE PROVIDES TO A CUSTOMER.

(II) FROM THE MONEY COLLECTED UNDER THIS PARAGRAPH, THE STORE SHALL:

1. REMIT 5 CENTS TO THE COUNTY WHERE THE STORE IS LOCATED; AND

2. RETAIN THE REMAINDER.

(III) A COUNTY MAY ONLY USE MONEY RECEIVED UNDER THIS PARAGRAPH FOR THE FOLLOWING PURPOSES:

1. WATER QUALITY PROJECTS;

2. LITTER REDUCTION;

3. PROVIDING REUSABLE BAGS TO LOW-INCOME OR VULNERABLE RESIDENTS; AND

4. ENFORCEMENT OF THE PROVISIONS OF THIS SECTION.”; and

On page 4, after line 16 insert “ (3) THIS ACT SHALL NOT BE INTERPRETED TO LIMIT THE PROVISIONS THAT A COUNTY MAY ESTABLISH TO IMPLEMENT THE REQUIREMENTS OF THIS ACT, TO THE EXTENT THESE LOCAL PROVISIONS ARE NOT INCONSISTENT WITH THIS ACT.”