

HOUSE BILL 307

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2lr1254
CF 2lr1436

By: **Delegate Lierman**

Introduced and read first time: January 19, 2022

Assigned to: Environment and Transportation and Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Packaging Materials – Producer Responsibility**

3 FOR the purpose of requiring certain producers of packaging materials to individually or
4 as part of a producer responsibility organization submit a certain packaging
5 materials producer responsibility plan to the Department of the Environment for
6 review and approval on or before a certain date and in accordance with certain
7 requirements; prohibiting, on or after a certain date, a producer of certain packaging
8 materials from selling, offering for sale, distributing, or importing certain packaging
9 materials unless the producer, individually or as part of a producer responsibility
10 organization, has an approved producer responsibility plan on file with the
11 Department; requiring a producer responsibility organization to implement a
12 producer responsibility plan within a certain amount of time after the Department
13 approves the producer responsibility plan; establishing a producer responsibility
14 plan advisory council; authorizing a local government to request reimbursement
15 from a certain producer that has an approved producer responsibility plan on file
16 with the Department for certain costs in a certain manner; requiring the Office of
17 Recycling in the Department to conduct certain statewide recycling needs
18 assessments in a certain manner and to submit certain reports on the results of the
19 assessments to the Governor and General Assembly on or before certain dates; and
20 generally relating to producer responsibility for packaging materials.

21 BY repealing and reenacting, with amendments,
22 Article – Environment
23 Section 9–1702 and 9–1707(f)
24 Annotated Code of Maryland
25 (2014 Replacement Volume and 2021 Supplement)

26 BY adding to
27 Article – Environment
28 Section 9–1702.2; and 9–2401 through 9–2410 to be under the new subtitle “Subtitle
29 24. Producer Responsibility for Packaging Materials”

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2014 Replacement Volume and 2021 Supplement)

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

5 **Article – Environment**

6 9–1702.

7 (a) There is an Office of Recycling created within the Department.

8 (b) The Secretary shall appoint a Director and sufficient staff to perform the
9 functions of the Office. After July 1, 1989, the number of staff shall be as provided in the
10 budget.

11 (c) The Secretary may adopt regulations to carry out the provisions of this
12 subtitle.

13 (d) The Office shall:

14 (1) Assist the counties in developing an acceptable recycling plan required
15 under § 9–1703 of this subtitle and § 9–505 of this title, including technical assistance to
16 the local governments;

17 (2) Coordinate the efforts of the State to facilitate the implementation of
18 the recycling goals at the county level;

19 (3) Review all recycling plans submitted as part of a county plan as
20 required under § 9–505 of this title and advise the Secretary on the adequacy of the
21 recycling plan;

22 (4) Administer the Statewide Electronics Recycling Program under Part IV
23 of this subtitle; [and]

24 (5) Promote the development of markets for recycled materials and
25 recycled products in the State in accordance with § 9–1702.1 of this subtitle;

26 **(6) CONDUCT A STATEWIDE RECYCLING NEEDS ASSESSMENT EVERY**
27 **10 YEARS IN ACCORDANCE WITH § 9–1702.2 OF THIS SUBTITLE; AND**

28 **(7) REVIEW AND APPROVE, IN CONSULTATION WITH THE PRODUCER**
29 **RESPONSIBILITY PLAN ADVISORY COUNCIL ESTABLISHED UNDER § 9–2405 OF THIS**
30 **TITLE, PRODUCER RESPONSIBILITY PLANS AND ANNUAL REPORTS SUBMITTED IN**
31 **ACCORDANCE WITH SUBTITLE 24 OF THIS TITLE.**

1 (e) Beginning on January 1, 1990, and biannually thereafter, the Office shall, in
2 coordination with the Maryland Environmental Service, study and report to the Governor
3 and, subject to § 2-1257 of the State Government Article, the General Assembly on:

4 (1) The identification and location of recycling centers, including an
5 analysis of existing recycling centers and the need to expand these facilities or construct
6 new recycling centers;

7 (2) Programs necessary to educate the public on the need to participate in
8 recycling efforts;

9 (3) The economics and financing of existing and proposed systems of waste
10 disposal and recycling;

11 (4) State procurement policies for the purchase of recycled materials;

12 (5) Programs necessary to reduce the amount of solid waste generated for
13 disposal by a State agency or unit;

14 (6) The liaison role with local governments, the federal government, and
15 the private sector;

16 (7) The percentage reduction in the amount of solid waste that has been
17 achieved by each county; and

18 (8) Economically feasible methods for the recycling of scrap automobile
19 tires, batteries, and white goods.

20 (f) (1) By December 1, 1988, the Office shall, in coordination with the
21 Maryland Environmental Service and the Governor's Task Force on Solid Waste, make
22 recommendations to the General Assembly for the financing of a comprehensive system of
23 recycling at the State and local level, including funding for recycling centers, recycling
24 equipment, recycling education, and marketing strategies.

25 (2) After the financing recommendations are made under paragraph (1) of
26 this subsection, each county may submit to the Office and the Governor a detailed request
27 for funds necessary to assist in the development and implementation of a recycling plan
28 under guidelines developed by the Office.

29 (g) In studying feasible methods for the management and recycling of used tires
30 under subsection (e)(9) of this section, the Office of Recycling shall consult with the
31 appropriate industry, including representatives of:

32 (1) Tire manufacturers;

33 (2) Tire dealers; and

1 (3) Tire recyclers.

2 **9-1702.2.**

3 (A) IN THIS SECTION, "PRODUCER RESPONSIBILITY ORGANIZATION" HAS
4 THE MEANING STATED IN § 9-2401 OF THIS TITLE.

5 (B) IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION AND TO CARRY
6 OUT THE REQUIREMENTS OF § 9-1702(D)(6) OF THIS SUBTITLE, THE OFFICE SHALL
7 CONDUCT A STATEWIDE RECYCLING NEEDS ASSESSMENT ONCE EVERY 10 YEARS
8 THAT INCLUDES:

9 (1) AN EVALUATION OF THE CURRENT CAPACITY RELATED TO, NEED
10 FOR, AND ASSOCIATED COSTS OF:

11 (I) FUNDING RELATED TO RECYCLING ACCESS AND
12 AVAILABILITY;

13 (II) COLLECTING AND HAULING RECYCLABLE OR
14 COMPOSTABLE MATERIALS IN THE STATE;

15 (III) PROCESSING RECYCLABLE OR COMPOSTABLE MATERIALS
16 IN THE STATE;

17 (IV) TAKING ADVANTAGE OF FAVORABLE MARKET CONDITIONS
18 OR OTHER OPPORTUNITIES FOR INCREASING RECYCLING OR COMPOSTING IN THE
19 STATE;

20 (V) CONSUMER EDUCATION REGARDING RECYCLING,
21 COMPOSTING, AND CONTAMINATION REDUCTION;

22 (VI) REUSE INFRASTRUCTURE; AND

23 (VII) COMPOSTING INFRASTRUCTURE;

24 (2) AN EVALUATION OF COMMINGLED RECYCLING PROCESSING
25 FACILITY WORKER CONDITIONS, WAGES, AND BENEFITS;

26 (3) THE AVAILABILITY OF OPPORTUNITIES IN THE RECYCLING
27 SYSTEM FOR WOMEN AND MINORITY INDIVIDUALS;

28 (4) THE SUFFICIENCY OF LOCAL GOVERNMENT REQUIREMENTS
29 RELATED TO MULTIFAMILY RECYCLING SERVICES AND THEIR IMPLEMENTATION;

1 **(5) THE SUFFICIENCY OF RECYCLING EDUCATION PROGRAMS**
2 **RELATIVE TO DESIRED EQUITY OUTCOMES;**

3 **(6) THE AVAILABILITY OF OPPORTUNITIES IN THE RECYCLING**
4 **SYSTEM FOR BUSINESSES IN THE STATE; AND**

5 **(7) RECOMMENDATIONS FOR IMPROVING EQUITY AND EQUITABLE**
6 **OUTCOMES FOR UNDERSERVED POPULATIONS IN THE STATE'S RECYCLING SYSTEM,**
7 **INCLUDING RECOMMENDATIONS FOR NEW RESPONSIBILITIES OF PRODUCER**
8 **RESPONSIBILITY ORGANIZATIONS AND RECOMMENDATIONS FOR FUNDING THE NEW**
9 **RESPONSIBILITIES.**

10 **(C) ON OR BEFORE OCTOBER 1, 2023, AND EACH OCTOBER 1 EVERY 10**
11 **YEARS THEREAFTER, THE OFFICE SHALL REPORT ON THE RESULTS OF THE MOST**
12 **RECENT ASSESSMENT CONDUCTED UNDER THIS SECTION TO THE GOVERNOR AND,**
13 **IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE**
14 **GENERAL ASSEMBLY.**

15 **(D) IN CONDUCTING THE ASSESSMENT REQUIRED UNDER THIS SECTION,**
16 **THE OFFICE SHALL CONSULT WITH PRODUCER RESPONSIBILITY ORGANIZATIONS,**
17 **THE PRODUCER RESPONSIBILITY PLAN ADVISORY COUNCIL ESTABLISHED UNDER §**
18 **9-2405 OF THIS TITLE, APPROPRIATE LOCAL GOVERNMENTAL ENTITIES, AND**
19 **REGIONAL SOLID WASTE ORGANIZATIONS IN THE STATE.**

20 **(E) THE OFFICE SHALL ESTABLISH AND COLLECT A FEE TO BE PAID BY**
21 **PRODUCER RESPONSIBILITY ORGANIZATIONS TO COVER THE COSTS ASSOCIATED**
22 **WITH CONDUCTING THE ASSESSMENTS REQUIRED UNDER THIS SECTION.**

23 9-1707.

24 (f) (1) There is a State Recycling Trust Fund.

25 (2) The Fund shall consist of:

26 (i) The newsprint recycling incentive fee;

27 (ii) The telephone directory recycling incentive fee collected under §
28 9-1709 of this subtitle;

29 (iii) The covered electronic device manufacturer registration fee
30 collected under § 9-1728 of this subtitle;

31 **(IV) ANY FEES COLLECTED FROM PRODUCER RESPONSIBILITY**
32 **ORGANIZATIONS UNDER § 9-1702.2 OF THIS SUBTITLE OR SUBTITLE 24 OF THIS**

1 **TITLE;**

2 ~~[(iv)]~~ **(v)** All fines and penalties collected under this subtitle;

3 ~~[(v)]~~ **(VI)** Money appropriated in the State budget to the Fund; and

4 ~~[(vi)]~~ **(VII)** Any other money from any other source accepted for the
5 benefit of the Fund.

6 (3) The Secretary shall administer the Fund.

7 (4) The Treasurer shall hold the Fund separately and the Comptroller shall
8 account for the Fund.

9 (5) At the end of each fiscal year, any unspent or unencumbered balance in
10 the Fund that exceeds \$2,000,000 shall revert to the General Fund of the State in
11 accordance with § 7–302 of the State Finance and Procurement Article.

12 (6) In accordance with the State budget, the Fund shall be used only:

13 (i) To provide grants to the counties to be used by the counties to
14 develop and implement local recycling plans;

15 (ii) To provide grants to counties that have addressed methods for
16 the separate collection and recycling of covered electronic devices in accordance with §
17 9–1703(c)(1) of this subtitle;

18 (iii) To provide grants to municipalities to be used by the
19 municipalities to implement local covered electronic device recycling programs; ~~[and]~~

20 **(IV) TO COVER THE COSTS OF THE STATEWIDE RECYCLING**
21 **NEEDS ASSESSMENT CONDUCTED UNDER § 9–1702.2 OF THIS SUBTITLE;**

22 **(V) TO COVER THE COSTS OF PRODUCER RESPONSIBILITY PLAN**
23 **REVIEW, OVERSIGHT, AND ENFORCEMENT UNDER SUBTITLE 24 OF THIS TITLE; AND**

24 ~~[(iv)]~~ **(VI)** To carry out the purposes of the land management
25 administration.

26 (7) (i) The Treasurer shall invest the money in the Fund in the same
27 manner as other State money may be invested.

28 (ii) Any investment earnings of the Fund shall be credited to the
29 General Fund of the State.

30 **SUBTITLE 24. PRODUCER RESPONSIBILITY FOR PACKAGING MATERIALS.**

1 9-2401.

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) "ADVISORY COUNCIL" MEANS THE PRODUCER RESPONSIBILITY PLAN
5 ADVISORY COUNCIL ESTABLISHED UNDER § 9-2405 OF THIS SUBTITLE.

6 (C) "BEVERAGE CONTAINER" MEANS A PREPACKAGED BEVERAGE
7 CONTAINER:

8 (1) MADE OF ANY MATERIAL, INCLUDING GLASS, PLASTIC, METAL,
9 CARTON, POUCH, OR ASEPTIC PACKAGING, SUCH AS A DRINK BOX, OR OF
10 MULTIMATERIALS; AND

11 (2) THE VOLUME OF WHICH IS NOT MORE THAN 5 LITERS.

12 (D) (1) "PACKAGING MATERIALS" MEANS, REGARDLESS OF
13 RECYCLABILITY, ANY PART OF A PACKAGE OR CONTAINER, INCLUDING MATERIAL
14 THAT IS USED FOR THE CONTAINMENT, PROTECTION, HANDLING, DELIVERY, AND
15 PRESENTATION OF A PRODUCT THAT IS SOLD, OFFERED FOR SALE, IMPORTED, OR
16 DISTRIBUTED IN THE STATE.

17 (2) "PACKAGING MATERIALS" INCLUDES:

18 (I) PRIMARY, SECONDARY, AND TERTIARY PACKAGING
19 INTENDED FOR THE CONSUMER MARKET;

20 (II) SERVICE PACKAGING DESIGNED AND INTENDED TO BE
21 FILLED AT THE POINT OF SALE, INCLUDING:

22 1. CARRY-OUT BAGS;

23 2. BULK GOODS BAGS;

24 3. TAKE-OUT AND HOME DELIVERY FOOD SERVICE
25 PACKAGING; AND

26 4. PRESCRIPTION AND PHARMACEUTICAL PACKAGING;
27 AND

28 (III) BEVERAGE CONTAINERS.

1 (E) (1) "PRODUCER" MEANS A PERSON THAT MEETS ONE OF THE
2 FOLLOWING CLASSIFICATIONS, IN DESCENDING ORDER OF RESPONSIBILITY:

3 (I) A PERSON THAT USES PACKAGING MATERIALS FOR THE
4 SALE OR DISTRIBUTION OF A PRODUCT UNDER THE PERSON'S OWN NAME OR BRAND;

5 (II) A PERSON THAT IS A LICENSEE OF A TRADEMARK UNDER
6 WHICH A PACKAGING MATERIAL IS SOLD, OFFERED FOR SALE, DISTRIBUTED, OR
7 OTHERWISE USED IN A COMMERCIAL ENTERPRISE IN THE STATE, REGARDLESS OF
8 WHETHER THE TRADEMARK IS REGISTERED; OR

9 (III) A PERSON THAT IMPORTS A PRODUCT THAT INCLUDES A
10 PACKAGING MATERIAL AND THAT IS SOLD, OFFERED FOR SALE, DISTRIBUTED, OR
11 OTHERWISE USED IN A COMMERCIAL ENTERPRISE IN THE STATE.

12 (2) "PRODUCER" DOES NOT INCLUDE:

13 (I) A LOCAL GOVERNMENT; OR

14 (II) A NONPROFIT CHARITABLE ORGANIZATION.

15 (F) (1) "PRODUCER RESPONSIBILITY ORGANIZATION" MEANS:

16 (I) A PRODUCER THAT INDIVIDUALLY SUBMITS A PRODUCER
17 RESPONSIBILITY PLAN TO THE DEPARTMENT UNDER § 9-2404 OF THIS SUBTITLE;
18 OR

19 (II) A NONPROFIT ORGANIZATION THAT IS:

20 1. EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE
21 INTERNAL REVENUE CODE; AND

22 2. CREATED BY A GROUP OF PRODUCERS TO
23 IMPLEMENT A PRODUCER RESPONSIBILITY PLAN.

24 (2) "PRODUCER RESPONSIBILITY ORGANIZATION" INCLUDES A
25 REPRESENTATIVE ORGANIZATION CREATED BY A GROUP OF PRODUCER
26 RESPONSIBILITY ORGANIZATIONS IN ACCORDANCE WITH § 9-2404(A)(1)(II)2 OF
27 THIS SUBTITLE.

28 (G) "PRODUCER RESPONSIBILITY PLAN" MEANS A PACKAGING MATERIALS
29 PRODUCER RESPONSIBILITY PLAN SUBMITTED TO THE DEPARTMENT BY A

1 PRODUCER OR PRODUCER RESPONSIBILITY ORGANIZATION IN ACCORDANCE WITH
2 § 9-2404 OF THIS SUBTITLE.

3 9-2402.

4 IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THIS SUBTITLE PROVIDE
5 A FRAMEWORK FOR:

6 (1) MODERNIZING AND IMPROVING WASTE AND RECYCLING SYSTEMS
7 IN THE STATE, INCLUDING BY FACILITATING:

8 (I) THE IMPROVEMENT OF REUSE, COMPOSTING, AND
9 RECYCLING;

10 (II) THE IMPROVEMENT OF RECYCLING MARKETS;

11 (III) THE REDUCTION OF WASTE; AND

12 (IV) AN INCREASE IN RECYCLING RATES; AND

13 (2) REIMBURSING LOCAL GOVERNMENTS FOR COSTS ASSOCIATED
14 WITH TRANSPORTING, COLLECTING, AND PROCESSING PACKAGING MATERIALS.

15 9-2403.

16 (A) THIS SUBTITLE DOES NOT APPLY TO A PRODUCER THAT:

17 (1) (I) GENERATED LESS THAN \$1,000,000 IN GROSS REVENUE
18 DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR;

19 (II) SOLD, OFFERED FOR SALE, OR DISTRIBUTED FOR SALE IN
20 THE STATE DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR LESS THAN 1
21 TON OF PACKAGING MATERIALS; OR

22 (III) CONDUCTED ALL OF THE PACKAGING MATERIALS SALES IN
23 THE STATE DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR AT A SINGLE
24 POINT OF RETAIL SALE THAT WAS NOT SUPPLIED OR OPERATED AS PART OF A
25 FRANCHISE; AND

26 (2) ON REQUEST BY THE DEPARTMENT, PROVIDES TO THE
27 DEPARTMENT SUFFICIENT INFORMATION TO DEMONSTRATE THAT THE PRODUCER
28 MEETS THE CONDITIONS OF THIS SECTION.

1 **(B) THIS SUBTITLE DOES NOT AFFECT THE AUTHORITY OF THE STATE OR A**
2 **LOCAL JURISDICTION TO REGULATE THE SALE OR USE OF ANY PACKAGING**
3 **MATERIAL.**

4 **(C) THIS SUBTITLE DOES NOT PROHIBIT A PRODUCER RESPONSIBILITY**
5 **ORGANIZATION FROM ESTABLISHING A DEPOSIT-RETURN SYSTEM AS ONE**
6 **STRATEGY FOR INCREASING THE CAPTURE AND RECYCLING OF BEVERAGE**
7 **CONTAINERS OR OTHER PACKAGING MATERIALS.**

8 **9-2404.**

9 **(A) (1) (I) ON OR BEFORE APRIL 1, 2024, EACH PRODUCER SHALL,**
10 **INDIVIDUALLY OR AS PART OF A PRODUCER RESPONSIBILITY ORGANIZATION,**
11 **SUBMIT A PRODUCER RESPONSIBILITY PLAN TO THE DEPARTMENT FOR REVIEW**
12 **AND APPROVAL.**

13 **(II) IF MORE THAN ONE PRODUCER RESPONSIBILITY**
14 **ORGANIZATION SUBMITS A PRODUCER RESPONSIBILITY PLAN TO THE**
15 **DEPARTMENT:**

16 **1. THE PRODUCER RESPONSIBILITY ORGANIZATIONS**
17 **SHALL COORDINATE WITH THE DEPARTMENT AND LOCAL GOVERNMENTS TO**
18 **ENSURE THAT:**

19 **A. RECYCLING SERVICES FOR RESIDENTS IN THE STATE**
20 **ARE PROVIDED IN A SEAMLESS MANNER; AND**

21 **B. PUBLIC OUTREACH, EDUCATION, AND**
22 **COMMUNICATION ARE PROVIDED IN A CONSISTENT MANNER; AND**

23 **2. THE PRODUCER RESPONSIBILITY ORGANIZATIONS**
24 **MAY CREATE A REPRESENTATIVE ORGANIZATION TO REPRESENT ALL**
25 **PARTICIPATING PRODUCER RESPONSIBILITY ORGANIZATIONS TO IMPLEMENT THE**
26 **REQUIREMENTS OF THIS SUBTITLE.**

27 **(III) BEFORE SUBMITTING THE PLAN REQUIRED UNDER THIS**
28 **SUBSECTION TO THE DEPARTMENT, A PRODUCER OR PRODUCER RESPONSIBILITY**
29 **ORGANIZATION SHALL CONSULT WITH THE ADVISORY COUNCIL ESTABLISHED**
30 **UNDER § 9-2405 OF THIS SUBTITLE.**

31 **(2) ON OR AFTER OCTOBER 1, 2024, A PRODUCER MAY NOT SELL,**
32 **OFFER FOR SALE, DISTRIBUTE, OR IMPORT FOR SALE OR DISTRIBUTION PACKAGING**
33 **MATERIALS FOR USE IN THE STATE UNLESS THE PRODUCER, INDIVIDUALLY OR AS**

1 PART OF A PRODUCER RESPONSIBILITY ORGANIZATION, HAS AN APPROVED
2 PRODUCER RESPONSIBILITY PLAN ON FILE WITH THE DEPARTMENT.

3 (B) A PRODUCER RESPONSIBILITY PLAN SHALL:

4 (1) IDENTIFY THE PRODUCERS COVERED BY THE PLAN, INCLUDING
5 THE CONTACT INFORMATION FOR EACH PARTICIPATING PRODUCER AND THE
6 PRODUCER RESPONSIBILITY ORGANIZATION;

7 (2) IDENTIFY EACH BRAND OF PACKAGING MATERIALS COVERED BY
8 THE PLAN;

9 (3) REQUIRE, IN ACCORDANCE WITH SUBSECTION (C) OF THIS
10 SECTION, ACHIEVEMENT WITHIN 5 YEARS AFTER THE DATE ON WHICH THE FIRST
11 VERSION OF THE PLAN IS APPROVED AND ESTABLISH THE FOLLOWING
12 PERFORMANCE GOALS, AS RELEVANT, FOR EACH PACKAGING MATERIAL TYPE:

13 (I) POSTCONSUMER RECYCLED CONTENT GOALS;

14 (II) RECYCLABILITY AND RECYCLING RATE GOALS;

15 (III) REUSE GOALS;

16 (IV) PACKAGING REDUCTION GOALS;

17 (V) COMPOST ACCESS OR COMPOST RATE GOALS, IF
18 APPLICABLE AND TECHNOLOGICALLY AND ENVIRONMENTALLY FEASIBLE;

19 (VI) CONTAMINATION REDUCTION RATE GOALS;

20 (VII) GREENHOUSE GAS REDUCTION GOALS; AND

21 (VIII) ANY OTHER GOAL THAT DEMONSTRATES POSITIVE
22 ENVIRONMENTAL IMPROVEMENT AND IS JUSTIFIED IN THE PLAN;

23 (4) REQUIRE EACH PARTICIPATING PRODUCER TO REDUCE ALL
24 PACKAGING MATERIAL WASTE TO THE MAXIMUM EXTENT PRACTICABLE, AND BY
25 NOT LESS THAN 25% FOR EACH PACKAGING MATERIAL TYPE, WITHIN 5 YEARS AFTER
26 THE DATE ON WHICH THE FIRST VERSION OF THE PLAN IS APPROVED;

27 (5) DESCRIBE, IN ACCORDANCE WITH SUBSECTION (D) OF THIS
28 SECTION, THE FINANCING METHOD THAT WILL BE USED TO IMPLEMENT THE PLAN;

1 **(6) DESCRIBE HOW THE PERFORMANCE GOALS ESTABLISHED UNDER**
2 **ITEM (3) OF THIS SUBSECTION WILL BE MET OR EXCEEDED;**

3 **(7) DESCRIBE HOW STAKEHOLDER COMMENTS WERE CONSIDERED IN**
4 **THE DEVELOPMENT OF THE PLAN;**

5 **(8) DESCRIBE HOW STAFFING AND ADMINISTERING THE**
6 **IMPLEMENTATION OF THE PLAN WILL BE HANDLED;**

7 **(9) DESCRIBE THE STRATEGY FOR REDUCING PACKAGING**
8 **MATERIALS IN THE STATE, INCLUDING HOW PRODUCERS PARTICIPATING IN A PLAN**
9 **WILL WORK TOGETHER TO REDUCE PACKAGING THROUGH PRODUCT DESIGN AND**
10 **PROGRAM INNOVATIONS;**

11 **(10) DESCRIBE THE ACTIONS TAKEN OR THAT WILL BE TAKEN FOR**
12 **PUBLIC OUTREACH, EDUCATION, AND COMMUNICATION, TAKING INTO ACCOUNT**
13 **THAT PUBLIC OUTREACH, EDUCATION, AND COMMUNICATION SHALL:**

14 **(i) PROMOTE THE RESPONSIBLE END-OF-LIFE MANAGEMENT**
15 **OF PACKAGING MATERIALS;**

16 **(ii) PROVIDE INFORMATION ON HOW TO PREVENT LITTER OF**
17 **PACKAGING MATERIALS;**

18 **(iii) PROVIDE RECYCLING AND COMPOSTING INSTRUCTIONS**
19 **THAT ARE, TO THE EXTENT PRACTICABLE:**

20 **1. CONSISTENT STATEWIDE, TAKING INTO ACCOUNT**
21 **DIFFERENCES AMONG LOCAL LAWS AND PROCESSING CAPABILITIES;**

22 **2. EASY TO UNDERSTAND; AND**

23 **3. EASILY ACCESSIBLE; AND**

24 **(iv) PROVIDE FOR OUTREACH AND EDUCATION THAT ARE:**

25 **1. DESIGNED TO ACHIEVE PACKAGING MATERIALS**
26 **MANAGEMENT GOALS AND REQUIREMENTS, INCLUDING THE PREVENTION OF**
27 **CONTAMINATION OF PACKAGING MATERIALS;**

28 **2. COORDINATED ACROSS PROGRAMS TO AVOID**
29 **CONFUSION FOR CONSUMERS; AND**

1 **3. DEVELOPED IN CONSULTATION WITH LOCAL**
2 **GOVERNMENTS AND OTHER STAKEHOLDERS;**

3 **(11) DESCRIBE, IN ACCORDANCE WITH SUBSECTION (E) OF THIS**
4 **SECTION, THE AMOUNT OF FUNDING THAT WILL BE USED FOR IMPROVING REUSE,**
5 **COMPOSTING, AND RECYCLING IN THE STATE;**

6 **(12) DESCRIBE THE PROCESS BY WHICH A LOCAL GOVERNMENT MAY**
7 **REQUEST REIMBURSEMENT FOR COSTS ASSOCIATED WITH TRANSPORTING,**
8 **COLLECTING, AND PROCESSING PACKAGING MATERIALS THAT ARE IDENTIFIED IN**
9 **THE PLAN, INCLUDING:**

10 **(I) THE PROCESS BY WHICH THE REQUEST WILL BE REVIEWED;**

11 **(II) THE PROCESS FOR APPROVING OR DENYING A REQUEST**
12 **FOR REIMBURSEMENT; AND**

13 **(III) THE SCHEDULE FOR PROVIDING REIMBURSEMENT THAT**
14 **INCLUDES REIMBURSEMENT ON AT LEAST A QUARTERLY BASIS; AND**

15 **(13) INCLUDE ANY OTHER INFORMATION THAT IS REQUIRED BY THE**
16 **DEPARTMENT.**

17 **(C) BASED ON THE RESULTS OF THE STATEWIDE RECYCLING NEEDS**
18 **ASSESSMENT CONDUCTED UNDER § 9-1702.2 OF THIS TITLE, THE DEPARTMENT, IN**
19 **COORDINATION WITH A PRODUCER RESPONSIBILITY ORGANIZATION, SHALL**
20 **ESTABLISH PERFORMANCE GOALS FOR EACH PACKAGING MATERIAL TYPE USING A**
21 **BASELINE YEAR THAT IS INFORMED BY THE STATEWIDE RECYCLING NEEDS**
22 **ASSESSMENT, INCLUDING ESTABLISHING RECYCLING RATE GOALS FOR EACH**
23 **PACKAGING MATERIAL TYPE, AT 5-, 10-, AND 15-YEAR INTERVALS.**

24 **(D) (1) THE FINANCING METHOD THAT WILL BE USED BY A PRODUCER**
25 **RESPONSIBILITY ORGANIZATION TO IMPLEMENT A PRODUCER RESPONSIBILITY**
26 **PLAN SHALL:**

27 **(I) PROVIDE THE METHOD FOR EITHER DIRECT INVESTMENTS**
28 **OR REIMBURSEMENTS FOR IMPROVING INFRASTRUCTURE FOR REUSE,**
29 **COMPOSTING, AND RECYCLING IN ACCORDANCE WITH SUBSECTION (B)(11) OF THIS**
30 **SECTION;**

31 **(II) PROVIDE A REASONABLE ANNUAL RATE PER TON OF**
32 **RECYCLED OR COMPOSTED PACKAGING MATERIALS FOR REIMBURSING LOCAL**
33 **GOVERNMENTS FOR COSTS ASSOCIATED WITH:**

1 1. **UP TO 50% OF THE COST OF COLLECTING PACKAGING**
2 **MATERIALS THAT ARE IDENTIFIED IN THE PLAN;**

3 2. **TRANSPORTING RECYCLABLE OR COMPOSTABLE**
4 **PACKAGING MATERIALS TO A RECYCLING OR COMPOSTING FACILITY;**

5 3. **PROCESSING PACKAGING MATERIALS, INCLUDING BY**
6 **REMOVING CONTAMINATION; AND**

7 4. **RECYCLING PACKAGING MATERIALS THAT ARE**
8 **DIVERTED TO BE RECYCLED OR COMPOSTED IN THE STATE;**

9 **(III) ESTABLISH A FEE STRUCTURE FOR PARTICIPATING**
10 **PRODUCERS THAT IS SET IN A MANNER TO COVER COSTS ASSOCIATED WITH:**

11 1. **IMPLEMENTING THE PLAN, INCLUDING THE**
12 **ADMINISTRATIVE COSTS OF A PRODUCER RESPONSIBILITY ORGANIZATION;**

13 2. **REIMBURSING LOCAL GOVERNMENTS FOR COSTS IN**
14 **ACCORDANCE WITH ITEM (II) OF THIS PARAGRAPH;**

15 3. **THE ADMINISTRATION, REVIEW, OVERSIGHT, AND**
16 **ENFORCEMENT OF THE PLAN BY THE DEPARTMENT;**

17 4. **IMPLEMENTING THE STRATEGY IN THE PLAN FOR**
18 **REDUCING PACKAGING MATERIALS IN ACCORDANCE WITH SUBSECTION (B)(9) OF**
19 **THIS SECTION; AND**

20 5. **IMPLEMENTING THE STRATEGY IN THE PLAN FOR**
21 **IMPROVING REUSE, COMPOSTING, AND RECYCLING IN THE STATE IN ACCORDANCE**
22 **WITH SUBSECTION (B)(11) OF THIS SECTION;**

23 **(IV) 1. DESCRIBE THE INCENTIVES TO ENCOURAGE**
24 **PARTICIPATING PRODUCERS TO ENGAGE IN WASTE REDUCTION AND RECYCLING**
25 **ACTIVITIES; AND**

26 2. **DESCRIBE THE DISINCENTIVES TO DISCOURAGE**
27 **DESIGNS OR PRACTICES THAT INCREASE THE COST OF MANAGING PACKAGING**
28 **MATERIALS;**

29 **(V) BE EVALUATED BY AN INDEPENDENT FINANCIAL AUDITOR,**
30 **AS DESIGNATED BY THE DEPARTMENT, TO ENSURE THE COSTS OF IMPLEMENTING**

1 THE PLAN ARE COVERED; AND

2 (VI) MEET ANY OTHER REQUIREMENT ESTABLISHED BY THE
3 DEPARTMENT BY REGULATION.

4 (2) THE REIMBURSEMENT RATE ESTABLISHED UNDER PARAGRAPH
5 (1)(II) OF THIS SUBSECTION SHALL BE BASED ON:

6 (I) THE POPULATION SIZE OF A LOCAL JURISDICTION;

7 (II) THE DISTANCE TO THE NEAREST RECYCLING OR
8 COMPOSTING FACILITY;

9 (III) THE COMMODITY VALUE OF RECYCLED PACKAGING
10 MATERIALS; AND

11 (IV) ANY SOCIOECONOMIC OR GEOGRAPHIC FACTOR, AS
12 DETERMINED BY THE DEPARTMENT.

13 (3) THE FEE STRUCTURE ESTABLISHED UNDER PARAGRAPH (1)(III)
14 OF THIS SUBSECTION SHALL BE VARIABLE BASED ON:

15 (I) COSTS ASSOCIATED WITH TRANSPORTING, COLLECTING,
16 AND PROCESSING PACKAGING MATERIALS;

17 (II) AN ECO-MODULATION OF FEES, INCLUDING ESTABLISHING:

18 1. A HIGHER FEE FOR PACKAGING MATERIALS WITH
19 LOW RECYCLABILITY OR RECYCLED CONTENT; AND

20 2. A DISCOUNTED FEE FOR PACKAGING MATERIALS
21 WITH HIGH RECYCLABILITY OR RECYCLED CONTENT; AND

22 (III) ANY OTHER FACTOR, AS DETERMINED BY THE
23 DEPARTMENT.

24 (E) THE FUNDING THAT WILL BE USED FOR IMPROVING REUSE,
25 COMPOSTING, AND RECYCLING SHALL INCLUDE INVESTMENT IN MARKET
26 DEVELOPMENT AND EXISTING AND FUTURE REUSE, COMPOSTING, AND RECYCLING
27 INFRASTRUCTURE, GIVING PRIORITY TO INVESTMENT IN EXISTING
28 INFRASTRUCTURE, INCLUDING:

29 (1) INSTALLING OR UPGRADING EQUIPMENT TO IMPROVE THE

1 SORTING OF PACKAGING MATERIALS AT EXISTING SORTING AND PROCESSING
2 FACILITIES;

3 (2) MITIGATING THE IMPACTS OF PACKAGING MATERIALS ON OTHER
4 COMMODITIES AT EXISTING SORTING AND PROCESSING FACILITIES; AND

5 (3) CAPITAL EXPENDITURES FOR NEW TECHNOLOGY, EQUIPMENT,
6 AND FACILITIES, BASED ON THE RESULTS OF THE STATEWIDE RECYCLING NEEDS
7 ASSESSMENT CONDUCTED UNDER § 9-1702.2 OF THIS TITLE.

8 (F) THE DEPARTMENT SHALL REVIEW:

9 (1) THE PRODUCER RESPONSIBILITY PLAN REQUIRED UNDER
10 SUBSECTION (A) OF THIS SECTION; AND

11 (2) THE WORK PRODUCT OF THE INDEPENDENT FINANCIAL AUDITOR
12 DESIGNATED BY THE DEPARTMENT TO EVALUATE THE FINANCING COMPONENT OF
13 THE PRODUCER RESPONSIBILITY PLAN UNDER SUBSECTION (D)(1)(V) OF THIS
14 SECTION.

15 (G) (1) WITHIN 120 DAYS AFTER RECEIVING A PROPOSED PRODUCER
16 RESPONSIBILITY PLAN, THE DEPARTMENT SHALL APPROVE, APPROVE WITH
17 CONDITIONS, OR REJECT THE PLAN.

18 (2) IN MAKING A DETERMINATION UNDER PARAGRAPH (1) OF THIS
19 SUBSECTION, THE DEPARTMENT SHALL CONSIDER WHETHER:

20 (I) THE PRODUCER RESPONSIBILITY PLAN COMPLIES WITH
21 THE REQUIREMENTS OF THIS SECTION, INCLUDING WHETHER THE FINANCING
22 METHOD WILL COVER THE COSTS OF IMPLEMENTING THE PLAN; AND

23 (II) THE PRODUCER RESPONSIBILITY ORGANIZATION ENGAGED
24 SUFFICIENTLY WITH STAKEHOLDERS, INCLUDING LOCAL GOVERNMENTS, IN
25 DEVELOPING THE PLAN.

26 (H) WITHIN 6 MONTHS AFTER THE DATE A PRODUCER RESPONSIBILITY
27 PLAN IS APPROVED UNDER THIS SECTION, A PRODUCER RESPONSIBILITY
28 ORGANIZATION SHALL IMPLEMENT THE PLAN.

29 (I) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION
30 AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN APPROVED PRODUCER
31 RESPONSIBILITY PLAN SHALL EXPIRE AFTER 5 YEARS.

1 **(2) A PRODUCER RESPONSIBILITY PLAN MAY CONTINUE AFTER 5**
2 **YEARS IF IT IS RENEGOTIATED, RENEWED, OR AMENDED AND APPROVED BY THE**
3 **DEPARTMENT IN ACCORDANCE WITH THIS SUBTITLE.**

4 **(3) THE DEPARTMENT MAY RESCIND APPROVAL OF A PRODUCER**
5 **RESPONSIBILITY PLAN AT ANY TIME FOR GOOD CAUSE.**

6 **(4) IF THE DEPARTMENT RESCINDS AN APPROVAL OF A PRODUCER**
7 **RESPONSIBILITY PLAN UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE**
8 **PRODUCER, OR IF APPLICABLE, THE PRODUCER RESPONSIBILITY ORGANIZATION**
9 **MAY AMEND THE PLAN AND SUBMIT IT TO THE DEPARTMENT FOR APPROVAL IN**
10 **ACCORDANCE WITH THIS SUBTITLE.**

11 **(5) IF, BASED ON THE ANNUAL REPORT SUBMITTED UNDER § 9-2407**
12 **OF THIS SUBTITLE, THE PERFORMANCE GOALS ESTABLISHED UNDER SUBSECTION**
13 **(B)(3) OF THIS SECTION HAVE NOT BEEN ACHIEVED, THE DEPARTMENT MAY**
14 **REQUIRE THAT A PRODUCER RESPONSIBILITY ORGANIZATION AMEND THE**
15 **PRODUCER RESPONSIBILITY PLAN.**

16 **9-2405.**

17 **(A) THERE IS A PRODUCER RESPONSIBILITY PLAN ADVISORY COUNCIL.**

18 **(B) THE PURPOSE OF THE ADVISORY COUNCIL IS TO PROVIDE ADVICE TO**
19 **THE DEPARTMENT AND PRODUCER RESPONSIBILITY ORGANIZATIONS FOR**
20 **DRAFTING, AMENDING, AND IMPLEMENTING PRODUCER RESPONSIBILITY PLANS.**

21 **(C) (1) THE ADVISORY COUNCIL SHALL CONSIST OF A BROAD RANGE OF**
22 **INTERESTED STAKEHOLDERS APPOINTED BY THE SECRETARY, INCLUDING:**

23 **(i) REPRESENTATIVES FROM THE FOLLOWING INDUSTRIES OR**
24 **ENTITIES IN THE STATE:**

25 **1. LOCAL GOVERNMENT AGENCIES RESPONSIBLE FOR**
26 **RECYCLING PROGRAMS;**

27 **2. RECYCLABLES AND COMPOSTABLE MATERIALS**
28 **COLLECTORS;**

29 **3. RECYCLING PROCESSORS; AND**

30 **4. COMPOST PROCESSORS;**

1 **(II) A REPRESENTATIVE FROM EACH PRODUCER**
2 **RESPONSIBILITY ORGANIZATION;**

3 **(III) REPRESENTATIVES OF AT LEAST TWO NONPROFIT**
4 **ORGANIZATIONS IN THE STATE WITH MISSIONS RELATED TO REDUCING WASTE;**

5 **(IV) AT LEAST ONE REPRESENTATIVE OF AN ENVIRONMENTAL**
6 **ADVOCACY ORGANIZATION;**

7 **(V) AT LEAST ONE REPRESENTATIVE OF AN ENVIRONMENTAL**
8 **JUSTICE ADVOCACY ORGANIZATION; AND**

9 **(VI) AT LEAST TWO MEMBERS OF THE PUBLIC WHO RESIDE IN**
10 **THE STATE.**

11 **(2) IN APPOINTING MEMBERS TO THE ADVISORY COUNCIL, THE**
12 **SECRETARY SHALL, TO THE EXTENT PRACTICABLE, ENSURE THAT THE**
13 **MEMBERSHIP OF THE ADVISORY COUNCIL REPRESENTS:**

14 **(I) ALL GEOGRAPHIC REGIONS OF THE STATE;**

15 **(II) LARGE AND SMALL COUNTIES AND MUNICIPALITIES; AND**

16 **(III) THE VARIABILITY IN HOW WASTE AND RECYCLABLE AND**
17 **COMPOSTABLE MATERIALS ARE COLLECTED AND PROCESSED IN THE STATE.**

18 **(D) FROM AMONG THE ADVISORY COUNCIL MEMBERS, THE SECRETARY**
19 **SHALL DESIGNATE TWO REPRESENTATIVES TO SERVE AS COCHAIRS.**

20 **(E) A MEMBER OF THE ADVISORY COUNCIL:**

21 **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**
22 **ADVISORY COUNCIL; BUT**

23 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
24 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

25 **(F) THE ADVISORY COUNCIL SHALL MEET AT LEAST QUARTERLY.**

26 **(G) THE ADVISORY COUNCIL SHALL:**

27 **(1) ON REQUEST BY A PRODUCER OR PRODUCER RESPONSIBILITY**
28 **ORGANIZATION, PROVIDE ADVICE REGARDING THE DRAFTING OR AMENDING OF A**

1 PRODUCER RESPONSIBILITY PLAN REQUIRED UNDER § 9-2404 OF THIS SUBTITLE;

2 (2) RECEIVE AND REVIEW THE PRODUCER RESPONSIBILITY PLANS
3 SUBMITTED IN ACCORDANCE WITH § 9-2404 OF THIS SUBTITLE;

4 (3) RECEIVE AND REVIEW ANNUAL REPORTS SUBMITTED IN
5 ACCORDANCE WITH § 9-2407 OF THIS SUBTITLE;

6 (4) MAKE RECOMMENDATIONS TO THE DEPARTMENT REGARDING
7 PRODUCER RESPONSIBILITY PLAN APPROVAL; AND

8 (5) MAKE RECOMMENDATIONS TO THE DEPARTMENT AND
9 PRODUCER RESPONSIBILITY ORGANIZATIONS REGARDING PRODUCER
10 RESPONSIBILITY PLAN IMPLEMENTATION.

11 9-2406.

12 IN ACCORDANCE WITH THE REQUIREMENTS OF A PRODUCER RESPONSIBILITY
13 ORGANIZATION, AS ESTABLISHED IN AN APPROVED PRODUCER RESPONSIBILITY
14 PLAN ON FILE WITH THE DEPARTMENT, AND ANY OTHER REQUIREMENT ADOPTED
15 BY THE DEPARTMENT, A LOCAL GOVERNMENT MAY REQUEST REIMBURSEMENT
16 FROM A PRODUCER RESPONSIBILITY ORGANIZATION FOR COSTS ASSOCIATED WITH
17 COLLECTING, TRANSPORTING, AND PROCESSING PACKAGING MATERIALS THAT ARE
18 IDENTIFIED UNDER THE PLAN, INCLUDING COSTS ASSOCIATED WITH RECYCLING
19 SERVICES FOR BUSINESSES, SCHOOLS, PUBLIC PLACES, RESIDENTIAL HOUSING,
20 INCLUDING MULTIFAMILY HOUSING, AND ANY OTHER ENTITY.

21 9-2407.

22 (A) ON OR BEFORE OCTOBER 1 EACH YEAR, BEGINNING IN 2026, EACH
23 PRODUCER RESPONSIBILITY ORGANIZATION THAT HAS AN APPROVED PRODUCER
24 RESPONSIBILITY PLAN ON FILE WITH THE DEPARTMENT SHALL REPORT TO THE
25 DEPARTMENT ON THE PROGRESS TOWARD MEETING PLAN REQUIREMENTS AND
26 GOALS FOR THE IMMEDIATELY PRECEDING YEAR.

27 (B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION
28 SHALL INCLUDE:

29 (1) A DETAILED DESCRIPTION OF THE REIMBURSEMENT METHODS
30 USED FOR COLLECTING, TRANSPORTING, AND PROCESSING PACKAGING
31 MATERIALS;

1 **(2) (I) THE STATUS ON ACHIEVING THE PERFORMANCE GOALS**
2 **ESTABLISHED UNDER § 9-2404(B)(3) OF THIS SUBTITLE; AND**

3 **(II) IF THE GOALS HAVE NOT BEEN ACHIEVED, A DESCRIPTION**
4 **OF THE ACTIONS PROPOSED TO ACHIEVE THE GOALS;**

5 **(3) THE AMOUNT OF EACH PACKAGING MATERIAL TYPE COLLECTED**
6 **IN THE STATE, INCLUDING THE METHOD OF DISPOSITION OF EACH PACKAGING**
7 **MATERIAL TYPE;**

8 **(4) (I) THE NUMBER OF BEVERAGE CONTAINERS SOLD IN THE**
9 **STATE AND THE NUMBER COLLECTED, BY MATERIAL TYPE;**

10 **(II) THE OVERALL REDEMPTION RATE AND EFFECTIVE RATE OF**
11 **RECYCLING OF BEVERAGE CONTAINERS BY MATERIAL TYPE, AFTER SUBTRACTING**
12 **CONTAMINATION RATES, AND BY NUMBER OF UNITS AND WEIGHT; AND**

13 **(III) 1. A DESCRIPTION OF THE LOCATION OF COLLECTION**
14 **FACILITIES OR POINTS AND SORTING AND PROCESSING FACILITIES FOR BEVERAGE**
15 **CONTAINERS;**

16 **2. A DESCRIPTION OF ANY IMPROVEMENTS MADE IN THE**
17 **REPORTING YEAR TO INCREASE THE EASE AND CONVENIENCE FOR CONSUMERS TO**
18 **RETURN BEVERAGE CONTAINERS;**

19 **3. A DESCRIPTION OF UNDERSERVED AREAS AND**
20 **ACTIONS THAT WILL BE TAKEN BY THE PRODUCER RESPONSIBILITY ORGANIZATION**
21 **TO IMPROVE THE AVAILABILITY OF COLLECTION FACILITIES OR POINTS IN**
22 **UNDERSERVED AREAS; AND**

23 **4. ANY OTHER INFORMATION ON BEVERAGE**
24 **CONTAINERS REQUIRED BY THE DEPARTMENT;**

25 **(5) THE TOTAL COST OF IMPLEMENTING THE PLAN, AS DETERMINED**
26 **BY AN INDEPENDENT FINANCIAL AUDITOR INCLUDING:**

27 **(I) A COPY OF THE WORK PRODUCT OF THE INDEPENDENT**
28 **FINANCIAL AUDITOR; AND**

29 **(II) FINANCIAL STATEMENTS DETAILING ALL PAYMENTS**
30 **RECEIVED AND ISSUED BY THE PRODUCERS COVERED UNDER THE APPROVED PLAN;**

1 **(6) SAMPLES OF ALL EDUCATIONAL MATERIALS PROVIDED TO**
2 **CONSUMERS OR OTHER ENTITIES;**

3 **(7) A DETAILED DESCRIPTION OF THE ACTIONS TAKEN AND AN**
4 **EVALUATION OF THE METHODS USED TO DISSEMINATE EDUCATIONAL MATERIALS,**
5 **INCLUDING RECOMMENDATIONS, IF ANY, FOR HOW THE EDUCATIONAL COMPONENT**
6 **OF THE PLAN CAN BE IMPROVED;**

7 **(8) A DETAILED DESCRIPTION OF INVESTMENTS MADE IN MARKET**
8 **DEVELOPMENT AND FOR IMPROVING REUSE, COMPOSTING, AND RECYCLING**
9 **INFRASTRUCTURE; AND**

10 **(9) ANY OTHER INFORMATION AS REQUIRED BY THE DEPARTMENT.**

11 **(C) FINANCIAL, PRODUCTION, OR SALES DATA REPORTED TO THE**
12 **DEPARTMENT BY A PRODUCER RESPONSIBILITY ORGANIZATION SHALL BE KEPT**
13 **CONFIDENTIAL BY THE DEPARTMENT AND MAY NOT BE SUBJECT TO PUBLIC**
14 **INSPECTION.**

15 **(D) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE REPORT SHALL BE**
16 **POSTED ON THE WEBSITE OF THE DEPARTMENT AND THE PRODUCER**
17 **RESPONSIBILITY ORGANIZATION.**

18 **9-2408.**

19 **ANY PERSON PARTICIPATING IN A PRODUCER RESPONSIBILITY PLAN IN**
20 **COMPLIANCE WITH THIS SUBTITLE IS IMMUNE FROM LIABILITY UNDER STATE LAW**
21 **RELATING TO ANTITRUST AND RESTRAINT OF TRADE FOR ANY COOPERATED**
22 **ACTIVITIES ARISING OUT OF THE RECYCLING, REUSE, AND DISPOSAL OF PACKAGING**
23 **MATERIALS.**

24 **9-2409.**

25 **THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
26 **SUBTITLE.**

27 **9-2410.**

28 **A PRODUCER OR PRODUCER RESPONSIBILITY ORGANIZATION THAT VIOLATES**
29 **THIS SUBTITLE IS SUBJECT TO:**

30 **(1) FOR A FIRST VIOLATION, A CIVIL PENALTY OF \$5,000;**

1 **(2) FOR A SECOND VIOLATION, A CIVIL PENALTY OF \$10,000; AND**

2 **(3) FOR A THIRD AND SUBSEQUENT VIOLATION, A CIVIL PENALTY OF**
3 **\$20,000.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2022.