

# HOUSE BILL 69

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HB 168/24 – ENT & ECM

(PRE-FILED)

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By: **Delegates Terrasa, Charkoudian, Feldmark, Foley, Kaufman, Lehman, Mireku-North, Palakovich Carr, Ruth, Solomon, Vogel, and Wu**

Requested: October 31, 2024

Introduced and read first time: January 8, 2025

Assigned to: Environment and Transportation and Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Plastic Products – Postconsumer Recycled Content Program**

3 FOR the purpose of prohibiting certain producers of certain plastic products from selling,  
4 offering for sale, or distributing the products to any person in the State unless certain  
5 conditions are met; requiring certain producers of certain plastic products to,  
6 individually or as part of a representative organization, register and pay a certain  
7 fee annually to the Department of the Environment; establishing certain minimum  
8 postconsumer recycled content percentage requirements for certain plastic beverage  
9 containers and rigid plastic containers; authorizing the Department to grant a  
10 certain waiver under certain circumstances; authorizing the Department to conduct  
11 certain audits and investigations and to participate in a certain multistate  
12 clearinghouse; requiring the Department to publish on its website certain  
13 information; authorizing the Department to grant a reduction in certain  
14 administrative penalties under certain circumstances; and generally relating to  
15 plastic products and postconsumer recycled content.

16 BY repealing and reenacting, without amendments,  
17 Article – Environment  
18 Section 9–1702(a)  
19 Annotated Code of Maryland  
20 (2014 Replacement Volume and 2024 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article – Environment  
23 Section 9–1702(d) and 9–1707(f)  
24 Annotated Code of Maryland  
25 (2014 Replacement Volume and 2024 Supplement)

26 BY adding to

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Environment

2 Section 9–2701 through 9–2710 to be under the new subtitle “Subtitle 27.  
3 Postconsumer Recycled Content Program”

4 Annotated Code of Maryland

5 (2014 Replacement Volume and 2024 Supplement)

6 Preamble

7 WHEREAS, Minimum recycled content requirements in plastic containers protect  
8 the environment and conserve resources by reducing greenhouse gas emissions and energy  
9 consumption associated with the extraction of fossil fuels and production of new plastic,  
10 and by diverting waste from landfills and incinerators; and

11 WHEREAS, Minimum recycled content requirements in plastic containers increase  
12 and create a stable demand for recycled plastics, strengthen recycled commodity values,  
13 increase economic growth, create jobs in the plastics recycling industry, and create  
14 incentives for producers to redesign their products to be more recyclable; and

15 WHEREAS, The Department of the Environment’s Office of Recycling is required to  
16 promote the development of markets for recycled materials and recycled products in the  
17 State in accordance with § 9–1702(d) of the Environment Article; now, therefore,

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

20 **Article – Environment**

21 9–1702.

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

23 (d) The Office shall:

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

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

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

32 (4) Administer the Statewide Electronics Recycling Program under Part IV  
33 of this subtitle;

1                   **(5) ADMINISTER THE POSTCONSUMER RECYCLED CONTENT**  
2 **PROGRAM UNDER SUBTITLE 27 OF THIS TITLE;**

3                   **[(5)] (6)** Promote the development of markets for recycled materials and  
4 recycled products in the State in accordance with § 9–1702.1 of this subtitle; and

5                   **[(6)] (7)** Review and approve plans and annual reports, including the  
6 paint stewardship assessment, submitted in accordance with a Paint Stewardship Program  
7 established under Part V of this subtitle.

8 9–1707.

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

10                   (2)   The Fund shall consist of:

11                           (i)   The newsprint recycling incentive fee;

12                           (ii)   The telephone directory recycling incentive fee collected under §  
13 9–1709 of this subtitle;

14                           (iii)   The covered electronic device manufacturer registration fee  
15 collected under § 9–1728 of this subtitle;

16                           (iv)   The Paint Stewardship Program plan and annual report review  
17 fees collected under § 9–1733(b) and (h) of this subtitle;

18                   **(V) THE POSTCONSUMER RECYCLED CONTENT REGISTRATION**  
19 **FEES COLLECTED UNDER § 9–2703 OF THIS TITLE;**

20                   **[(v)] (VI)** All fines and penalties collected under this subtitle **AND §**  
21 **9–2710 OF THIS TITLE;**

22                           **[(vi)] (VII)** Money appropriated in the State budget to the Fund; and

23                           **[(vii)] (VIII)** Any other money from any other source accepted for the  
24 benefit of the Fund.

25           (3)   The Secretary shall administer the Fund.

26           (4)   The Treasurer shall hold the Fund separately and the Comptroller shall  
27 account for the Fund.

28           (5)   **[At] EXCEPT AS PROVIDED IN PARAGRAPH (7) OF THIS**  
29 **SUBSECTION, AT** the end of each fiscal year, any unspent or unencumbered balance in the

1 Fund that exceeds \$2,000,000 shall revert to the General Fund of the State in accordance  
2 with § 7–302 of the State Finance and Procurement Article.

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

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

6 (ii) To provide grants to counties that have addressed methods for  
7 the separate collection and recycling of covered electronic devices in accordance with §  
8 9–1703(c)(1) of this subtitle;

9 (iii) To provide grants to municipalities to be used by the  
10 municipalities to implement local covered electronic device recycling programs;

11 **(IV) TO COVER THE COSTS OF PLANNING, IMPLEMENTING,**  
12 **ADMINISTERING, MONITORING, ENFORCING, AND EVALUATING THE**  
13 **POSTCONSUMER RECYCLED CONTENT PROGRAM ESTABLISHED UNDER SUBTITLE**  
14 **27 OF THIS TITLE;**

15 **[(iv)] (V) To cover the costs of the Paint Stewardship Program plan**  
16 **review under § 9–1733(b) of this subtitle, the annual report review under § 9–1733(h) of**  
17 **this subtitle, and associated costs for Program compliance oversight; and**

18 **[(v)] (VI) To carry out the purposes of the land management**  
19 **administration.**

20 **(7) (I) THERE SHALL BE A SEPARATE ACCOUNT WITHIN THE FUND.**

21 **(II) THE SEPARATE ACCOUNT SHALL CONSIST OF:**

22 **1. ANY FEES COLLECTED FROM PRODUCERS OF**  
23 **COVERED PRODUCTS UNDER § 9–2703 OF THIS TITLE; AND**

24 **2. ALL FINES AND PENALTIES COLLECTED UNDER §**  
25 **9–2710 OF THIS TITLE.**

26 **(III) THE SEPARATE ACCOUNT SHALL BE USED ONLY TO:**

27 **1. REIMBURSE THE GENERAL FUND OF THE STATE IN**  
28 **ACCORDANCE WITH § 9–2703(A)(4)(II)1 OF THIS TITLE; AND**

29 **2. COVER THE COSTS OF PLANNING, IMPLEMENTING,**  
30 **ADMINISTERING, MONITORING, ENFORCING, AND EVALUATING THE**

1 **POSTCONSUMER RECYCLED CONTENT PROGRAM ESTABLISHED UNDER SUBTITLE**  
2 **27 OF THIS TITLE.**

3 **(IV) MONEY DEPOSITED INTO THE SEPARATE ACCOUNT IS NOT**  
4 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE AND**  
5 **MAY NOT REVERT TO THE GENERAL FUND OF THE STATE.**

6 **[(7)] (8) (i)** The Treasurer shall invest the money in the Fund in the  
7 same manner as other State money may be invested.

8 **(ii)** Any investment earnings of the Fund shall be credited to  
9 the General Fund of the State.

10 **SUBTITLE 27. POSTCONSUMER RECYCLED CONTENT PROGRAM.**

11 **9-2701.**

12 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
13 **INDICATED.**

14 **(B) “COVERED PRODUCT” MEANS A PRODUCT THAT IS SUBJECT TO THE**  
15 **POSTCONSUMER RECYCLED CONTENT PERCENTAGE REQUIREMENTS ESTABLISHED**  
16 **UNDER THIS SUBTITLE.**

17 **(C) (1) “HOUSEHOLD CLEANING PRODUCT” MEANS A PRODUCT THAT IS**  
18 **LABELED OR MARKETED TO CLEAN, FRESHEN, OR REMOVE UNWANTED SUBSTANCES**  
19 **SUCH AS DIRT, STAINS, OR OTHER IMPURITIES FROM OBJECTS, INTERIOR OR**  
20 **EXTERIOR STRUCTURES, VEHICLES, POSSESSIONS, AND OTHER ENVIRONMENTS**  
21 **ASSOCIATED WITH A HOUSEHOLD.**

22 **(2) “HOUSEHOLD CLEANING PRODUCT” INCLUDES:**

23 **(I) LIQUID SOAPS, LAUNDRY SOAPS, DETERGENTS, FABRIC**  
24 **SOFTENERS, SURFACE POLISHES, AND STAIN REMOVERS; AND**

25 **(II) TEXTILE CLEANERS, CARPET CLEANERS, AND PET**  
26 **CLEANERS AND TREATMENTS.**

27 **(D) (1) “PERSONAL CARE PRODUCT” MEANS A PRODUCT THAT IS**  
28 **LABELED OR MARKETED FOR THE APPLICATION TO AN INDIVIDUAL IN ORDER TO**  
29 **CLEAN, ALTER, OR MAINTAIN THE APPEARANCE OF THE INDIVIDUAL.**

30 **(2) “PERSONAL CARE PRODUCT” INCLUDES:**

1                   **(I) SHAMPOO, CONDITIONER, STYLING SPRAYS AND GELS, AND**  
2 **OTHER HAIR CARE PRODUCTS;**

3                   **(II) LOTION, MOISTURIZER, FACIAL TONER, AND OTHER SKIN**  
4 **CARE PRODUCTS; AND**

5                   **(III) LIQUID SOAP AND OTHER BODY CARE PRODUCTS.**

6           **(E) (1) “POSTCONSUMER RECYCLED CONTENT” MEANS THE PORTION OF**  
7 **A COVERED PRODUCT’S TOTAL WEIGHT THAT IS COMPOSED OF POSTCONSUMER**  
8 **RECYCLED MATERIAL, AS DETERMINED BY A MATERIAL BALANCE APPROACH THAT**  
9 **CALCULATES TOTAL POSTCONSUMER RECYCLED MATERIAL AS A PERCENTAGE OF**  
10 **THE TOTAL WEIGHT OF THE COVERED PRODUCT.**

11                   **(2) “POSTCONSUMER RECYCLED CONTENT” DOES NOT INCLUDE**  
12 **PRECONSUMER OR POSTINDUSTRIAL SECONDARY WASTE MATERIAL OR MATERIALS**  
13 **AND BY-PRODUCTS GENERATED FROM, AND COMMONLY USED WITHIN, AN ORIGINAL**  
14 **MANUFACTURING AND FABRICATION PROCESS.**

15           **(F) “POSTCONSUMER RECYCLED MATERIAL” MEANS A MATERIAL OR**  
16 **PRODUCT GENERATED BY HOUSEHOLDS OR BY COMMERCIAL, INDUSTRIAL, AND**  
17 **INSTITUTIONAL FACILITIES IN THEIR ROLE AS END USERS OF THE MATERIAL OR**  
18 **PRODUCT THAT HAS:**

19                   **(1) BEEN USED FOR ITS INTENDED USE OR CAN NO LONGER BE USED**  
20 **FOR ITS INTENDED USE, INCLUDING MATERIAL OR PRODUCT THAT HAS BEEN**  
21 **RETURNED FROM THE DISTRIBUTION CHAIN; AND**

22                   **(2) BEEN SEPARATED FROM THE SOLID WASTE STREAM FOR THE**  
23 **PURPOSES OF COLLECTION AND RECYCLING.**

24           **(G) (1) “PRODUCER” MEANS A PERSON RESPONSIBLE FOR COMPLYING**  
25 **WITH THE REQUIREMENTS UNDER THIS SUBTITLE.**

26                   **(2) “PRODUCER” INCLUDES A FRANCHISOR OF A FRANCHISE**  
27 **LOCATED IN THE STATE.**

28                   **(3) “PRODUCER” DOES NOT INCLUDE:**

29                   **(I) THE STATE, A COUNTY, A MUNICIPALITY, OR ANY OTHER**  
30 **POLITICAL SUBDIVISION OF THE STATE;**

1 (II) A CHARITABLE ORGANIZATION THAT IS TAX EXEMPT UNDER  
2 § 501(C)(3) OF THE INTERNAL REVENUE CODE;

3 (III) A SOCIAL WELFARE ORGANIZATION THAT IS TAX EXEMPT  
4 UNDER § 501(C)(4) OF THE INTERNAL REVENUE CODE;

5 (IV) A FRANCHISEE THAT OPERATES A FRANCHISE IN THE  
6 STATE;

7 (V) A PERSON THAT ANNUALLY SELLS, OFFERS FOR SALE,  
8 DISTRIBUTES, OR IMPORTS INTO THE COUNTRY FOR SALE IN THE STATE LESS THAN  
9 1 TON OF A SINGLE CATEGORY OF COVERED PRODUCTS; OR

10 (VI) A PERSON THAT ANNUALLY SELLS, OFFERS FOR SALE, OR  
11 DISTRIBUTES ANY CATEGORY OF A COVERED PRODUCT IN THE STATE IF THE  
12 PERSON'S AGGREGATE GLOBAL ANNUAL REVENUE IS LESS THAN \$5,000,000.

13 (H) "PROGRAM" MEANS THE POSTCONSUMER RECYCLING CONTENT  
14 PROGRAM.

15 9-2702.

16 (A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION  
17 APPLIES TO A PRODUCER THAT SELLS, OFFERS FOR SALE, OR DISTRIBUTES A  
18 COVERED PRODUCT IN THE STATE.

19 (2) (I) IF THE COVERED PRODUCT IS SOLD UNDER THE  
20 PRODUCER'S OWN BRAND OR LACKS IDENTIFICATION OF A BRAND, THE PRODUCER  
21 IS THE PERSON WHO MANUFACTURES THE COVERED PRODUCT.

22 (II) IF THE COVERED PRODUCT IS MANUFACTURED BY A  
23 PERSON OTHER THAN THE BRAND OWNER, THE PRODUCER IS THE PERSON WHO IS  
24 THE LICENSEE OF A BRAND OR TRADEMARK UNDER WHICH A COVERED PRODUCT IS  
25 SOLD, OFFERED FOR SALE, OR DISTRIBUTED IN THE STATE, WHETHER OR NOT THE  
26 TRADEMARK IS REGISTERED IN THE STATE, UNLESS ANOTHER RESPONSIBLE  
27 PERSON HAS CONTRACTUALLY ASSUMED RESPONSIBILITY AS THE PRODUCER.

28 (III) IF THERE IS NO PERSON DESCRIBED IN SUBPARAGRAPH (I)  
29 OR (II) OF THIS PARAGRAPH OVER WHOM THE STATE CAN CONSTITUTIONALLY  
30 EXERCISE JURISDICTION, THE PRODUCER IS THE PERSON WHO IMPORTS OR  
31 DISTRIBUTES THE COVERED PRODUCT IN THE STATE.

1           **(3) IF ANOTHER PERSON CONTRACTUALLY ASSUMES**  
2 **RESPONSIBILITY AS A PRODUCER UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION,**  
3 **THE PRODUCER MUST PROVIDE A CERTIFIED COPY OF THE CONTRACT AGREEMENT**  
4 **TO THE DEPARTMENT.**

5           **(B) A PRODUCER MAY NOT SELL, OFFER FOR SALE, OR DISTRIBUTE A**  
6 **COVERED PRODUCT TO ANY PERSON IN THE STATE UNLESS:**

7           **(1) THE PRODUCT MEETS THE MINIMUM POSTCONSUMER RECYCLED**  
8 **CONTENT PERCENTAGE REQUIREMENTS ESTABLISHED UNDER THIS SUBTITLE; AND**

9           **(2) IN ACCORDANCE WITH § 9-2703 OF THIS SUBTITLE, THE**  
10 **PRODUCER HAS, INDIVIDUALLY OR AS PART OF A REPRESENTATIVE ORGANIZATION:**

11                   **(I) REGISTERED WITH THE DEPARTMENT; AND**

12                   **(II) SUBMITTED A REGISTRATION FEE TO THE DEPARTMENT.**

13 **9-2703.**

14           **(A) (1) ON OR BEFORE MARCH 1 EACH YEAR, BEGINNING IN 2026, A**  
15 **PRODUCER SHALL, INDIVIDUALLY OR AS PART OF A REPRESENTATIVE**  
16 **ORGANIZATION, REGISTER WITH THE DEPARTMENT.**

17           **(2) ON OR BEFORE MAY 15 EACH YEAR, BEGINNING IN 2026, A**  
18 **PRODUCER SHALL, INDIVIDUALLY OR AS PART OF A REPRESENTATIVE**  
19 **ORGANIZATION, PAY THE REGISTRATION FEE ESTABLISHED BY THE DEPARTMENT**  
20 **UNDER PARAGRAPH (3) OF THIS SUBSECTION.**

21           **(3) (I) THE DEPARTMENT SHALL ESTABLISH AN ANNUAL**  
22 **REGISTRATION FEE FOR EACH CATEGORY OF A COVERED PRODUCT.**

23                   **(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS**  
24 **PARAGRAPH, REGISTRATION FEES SHALL BE SET IN A MANNER THAT:**

25                           **1. WILL PRODUCE FUNDS SUFFICIENT TO COVER THE**  
26 **DEPARTMENT'S ESTIMATED COSTS OF PLANNING, IMPLEMENTING,**  
27 **ADMINISTERING, MONITORING, ENFORCING, AND EVALUATING THE PROGRAM FOR**  
28 **THE UPCOMING 1-YEAR PERIOD; AND**

29                           **2. IS PROPORTIONAL TO THE PRODUCER'S SHARE OF**  
30 **THE TOTAL POUNDS OF PLASTIC SOLD IN THE STATE IN EACH PRODUCT CATEGORY**  
31 **FOR THE IMMEDIATELY PRECEDING YEAR.**



1 (III) FOR THE FIRST YEAR OF THE PROGRAM'S OPERATION,  
2 REGISTRATION FEES SHALL BE SET IN A MANNER THAT:

3 1. WILL PRODUCE FUNDS SUFFICIENT TO COVER THE  
4 DEPARTMENT'S ESTIMATED COSTS OF PLANNING, IMPLEMENTING,  
5 ADMINISTERING, MONITORING, ENFORCING, AND EVALUATING THE PROGRAM FOR  
6 THE UPCOMING 1-YEAR PERIOD;

7 2. WILL PRODUCE FUNDS SUFFICIENT TO REIMBURSE  
8 THE GENERAL FUND OF THE STATE FOR THE ACTUAL COSTS THAT RESULT FROM  
9 THE PROGRAM IN THAT YEAR; AND

10 3. IS PROPORTIONAL TO THE PRODUCER'S SHARE OF  
11 THE TOTAL POUNDS OF PLASTIC SOLD IN THE STATE IN EACH PRODUCT CATEGORY  
12 FOR THE IMMEDIATELY PRECEDING YEAR.

13 (4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
14 PARAGRAPH, IF, IN ANY YEAR, THE AMOUNT OF REGISTRATION FEE REVENUE  
15 COLLECTED BY THE DEPARTMENT EXCEEDS THE DEPARTMENT'S ACTUAL COSTS OF  
16 PLANNING, IMPLEMENTING, ADMINISTERING, MONITORING, ENFORCING, AND  
17 EVALUATING THE PROGRAM, THE DEPARTMENT SHALL CARRY THE EXCESS  
18 AMOUNT FORWARD FOR THE PURPOSE OF REDUCING REGISTRATION FEES FOR THE  
19 FOLLOWING YEAR.

20 (II) FOR THE FIRST YEAR OF THE PROGRAM'S OPERATION,  
21 REGISTRATION FEE REVENUE SHALL BE USED:

22 1. NOTWITHSTANDING § 9-1707(F)(7)(IV) OF THIS  
23 TITLE, TO REIMBURSE THE GENERAL FUND OF THE STATE FOR ACTUAL COSTS THAT  
24 RESULT FROM THE PROGRAM FOR THAT YEAR; AND

25 2. TO COVER THE DEPARTMENT'S ACTUAL COSTS OF  
26 PLANNING, IMPLEMENTING, ADMINISTERING, MONITORING, ENFORCING, AND  
27 EVALUATING THE PROGRAM.

28 (5) IF, IN ANY GIVEN YEAR, THE AMOUNT OF REGISTRATION FEE  
29 REVENUE COLLECTED BY THE DEPARTMENT IS INSUFFICIENT TO COVER THE  
30 DEPARTMENT'S ACTUAL COSTS OF PLANNING, IMPLEMENTING, ADMINISTERING,  
31 MONITORING, ENFORCING, AND EVALUATING THE PROGRAM, THE DEPARTMENT  
32 SHALL ADJUST REGISTRATION FEES FOR THE FOLLOWING YEAR TO COVER THE  
33 DEPARTMENT'S ACTUAL COSTS.

1           **(B) THE REGISTRATION SHALL INCLUDE INFORMATION REGARDING:**

2                   **(1) EACH PRODUCER INCLUDED UNDER THE REGISTRATION;**

3                   **(2) EACH BRAND OF A COVERED PRODUCT INCLUDED UNDER THE**  
4 **REGISTRATION;**

5                   **(3) THE TOTAL NUMBER OF COVERED PRODUCTS SOLD IN THE STATE**  
6 **IN THE IMMEDIATELY PRECEDING CALENDAR YEAR, INCLUDING THE TOTAL**  
7 **NUMBER BY EACH CATEGORY OF A COVERED PRODUCT;**

8                   **(4) THE TOTAL WEIGHT OF COVERED PRODUCTS SOLD IN THE STATE**  
9 **IN THE IMMEDIATELY PRECEDING CALENDAR YEAR, INCLUDING THE TOTAL WEIGHT**  
10 **BY EACH CATEGORY OF A COVERED PRODUCT;**

11                   **(5) THE AVERAGE PERCENTAGE OF POSTCONSUMER RECYCLED**  
12 **CONTENT FOR EACH CATEGORY OF A COVERED PRODUCT SOLD IN THE STATE IN THE**  
13 **IMMEDIATELY PRECEDING CALENDAR YEAR;**

14                   **(6) PROOF OF THIRD-PARTY CERTIFICATION IN ACCORDANCE WITH**  
15 **SUBSECTION (C) OF THIS SECTION; AND**

16                   **(7) ANY ADDITIONAL INFORMATION REQUIRED BY THE DEPARTMENT**  
17 **IN REGULATION.**

18           **(C) (1) ON OR BEFORE MARCH 1 EACH YEAR, BEGINNING IN 2028, A**  
19 **PRODUCER SHALL INCLUDE PROOF OF THIRD-PARTY CERTIFICATION OF THE**  
20 **POSTCONSUMER RECYCLED CONTENT OF EACH COVERED PRODUCT INCLUDED IN**  
21 **THE REGISTRATION IN A MANNER REQUIRED BY THE DEPARTMENT.**

22                   **(2) THE CERTIFICATION REQUIRED UNDER PARAGRAPH (1) OF THIS**  
23 **SUBSECTION SHALL BE COMPLETED BY AN INDEPENDENT, ACCREDITED**  
24 **CERTIFYING BODY AS REQUIRED BY THE INTERNATIONAL ORGANIZATION FOR**  
25 **STANDARDIZATION.**

26           **(D) ANY SALES DATA SUBMITTED TO THE DEPARTMENT TO COMPLY WITH**  
27 **THE REQUIREMENTS OF THIS SECTION SHALL BE TREATED AS CONFIDENTIAL AND**  
28 **PROPRIETARY, AND MAY NOT BE DISCLOSED EXCEPT AS OTHERWISE REQUIRED BY**  
29 **LAW.**

30 **9-2704.**

1           **(A) (1) THIS SECTION APPLIES TO BEVERAGE CONTAINERS THAT ARE**  
2 **PRIMARYLY COMPOSED OF ONE OR MORE PLASTIC RESINS AND INTENDED TO**  
3 **CONTAIN BEVERAGES UP TO 2 GALLONS IN CAPACITY, INCLUDING AN INDIVIDUAL,**  
4 **SEALABLE, SEPARATE BOTTLE, CAN, JAR, CARTON, OR OTHER BEVERAGE**  
5 **CONTAINER THAT IS CAPABLE OF MAINTAINING ITS SHAPE WHEN EMPTY.**

6           **(2) THIS SECTION DOES NOT APPLY TO:**

7                   **(I) REFILLABLE BEVERAGE CONTAINERS, INCLUDING**  
8 **CONTAINERS THAT ARE SUFFICIENTLY DURABLE FOR MULTIPLE ROTATIONS OF**  
9 **THEIR ORIGINAL PURPOSE OR A SIMILAR PURPOSE AND ARE INTENDED TO**  
10 **FUNCTION IN A SYSTEM OF REUSE;**

11                   **(II) LINERS, BLADDERS, CAPS, CORKS, CLOSURES, LABELS, AND**  
12 **OTHER ITEMS ADDED TO THE BOTTLE OR CONTAINER BUT THAT ARE SEPARATE**  
13 **FROM THE STRUCTURE OF THE BOTTLE OR CONTAINER;**

14                   **(III) CONTAINERS CERTIFIED BY THE BIODEGRADABLE**  
15 **PRODUCTS INSTITUTE AS COMPOSTABLE; OR**

16                   **(IV) CONTAINERS USED FOR INFANT FORMULA, MEDICAL**  
17 **BEVERAGES, OR FORTIFIED ORAL NUTRITIONAL SUPPLEMENTS.**

18           **(B) THE MINIMUM POSTCONSUMER RECYCLED CONTENT PERCENTAGE**  
19 **REQUIREMENT FOR PLASTIC BEVERAGE CONTAINERS IS:**

20                   **(1) FROM JANUARY 1, 2027, TO DECEMBER 31, 2028, BOTH**  
21 **INCLUSIVE, 15%;**

22                   **(2) FROM JANUARY 1, 2029, TO DECEMBER 31, 2032, BOTH**  
23 **INCLUSIVE, 25%; AND**

24                   **(3) ON AND AFTER JANUARY 1, 2033, 50%.**

25 **9-2705.**

26           **(A) (1) THIS SECTION APPLIES TO RIGID PLASTIC CONTAINERS OR OTHER**  
27 **NONDURABLE CONTAINERS THAT ARE PRIMARYLY COMPOSED OF ONE OR MORE**  
28 **PLASTIC RESINS, ARE CAPABLE OF MAINTAINING THEIR SHAPE WHEN EMPTY, AND**  
29 **ARE USED TO PACKAGE OR STORE FOOD.**

30           **(2) THIS SECTION DOES NOT APPLY TO:**

1 (I) REFILLABLE RIGID PLASTIC FOOD CONTAINERS,  
2 INCLUDING CONTAINERS THAT ARE SUFFICIENTLY DURABLE FOR MULTIPLE  
3 ROTATIONS OF THEIR ORIGINAL PURPOSE OR A SIMILAR PURPOSE AND ARE  
4 INTENDED TO FUNCTION IN A SYSTEM OF REUSE;

5 (II) RIGID PLASTIC CONTAINERS THAT CONTAIN DIETARY  
6 SUPPLEMENTS; OR

7 (III) A PLASTIC BEVERAGE CONTAINER UNDER § 9-2704 OF THIS  
8 SUBTITLE.

9 (B) THE MINIMUM POSTCONSUMER RECYCLED CONTENT PERCENTAGE  
10 REQUIREMENT FOR RIGID PLASTIC CONTAINERS USED TO PACKAGE OR STORE FOOD  
11 IS:

12 (1) FROM JANUARY 1, 2027, TO DECEMBER 31, 2030, BOTH  
13 INCLUSIVE, 15%;

14 (2) FROM JANUARY 1, 2031, TO DECEMBER 31, 2033, BOTH  
15 INCLUSIVE, 30%; AND

16 (3) ON AND AFTER JANUARY 1, 2034, 40%.

17 9-2706.

18 (A) (1) THIS SECTION APPLIES TO RIGID PLASTIC CONTAINERS OR OTHER  
19 NONDURABLE CONTAINERS THAT ARE PRIMARILY COMPOSED OF ONE OR MORE  
20 PLASTIC RESINS, ARE CAPABLE OF MAINTAINING THEIR SHAPE WHEN EMPTY, AND  
21 ARE USED FOR HOUSEHOLD CLEANING PRODUCTS OR PERSONAL CARE PRODUCTS.

22 (2) THIS SECTION DOES NOT APPLY TO:

23 (I) REFILLABLE HOUSEHOLD CLEANING AND PERSONAL CARE  
24 PRODUCT CONTAINERS, INCLUDING CONTAINERS THAT ARE SUFFICIENTLY  
25 DURABLE FOR MULTIPLE ROTATIONS OF THEIR ORIGINAL PURPOSE OR A SIMILAR  
26 PURPOSE AND ARE INTENDED TO FUNCTION IN A SYSTEM OF REUSE; OR

27 (II) RIGID PLASTIC CONTAINERS THAT ARE MEDICAL DEVICES  
28 OR THAT ARE USED FOR:

29 1. MEDICAL PRODUCTS THAT ARE REQUIRED TO BE  
30 STERILE; OR



1           **(2) THE COMPLIANCE STATUS FOR EACH REGISTERED PRODUCER;**  
2 **AND**

3           **(3) ANY OTHER INFORMATION DEEMED APPROPRIATE BY THE**  
4 **DEPARTMENT.**

5 **9-2709.**

6           **THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS**  
7 **SUBTITLE.**

8 **9-2710.**

9           **(A) (1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE**  
10 **PROVISIONS OF §§ 9-334 THROUGH 9-342 OF THIS TITLE APPLY TO ENFORCE**  
11 **VIOLATIONS OF THIS SUBTITLE.**

12           **(2) A PENALTY MAY NOT BE IMPOSED ON A PRODUCER UNDER THIS**  
13 **SECTION FOR FAILING TO REGISTER WITH THE DEPARTMENT UNDER § 9-2703 OF**  
14 **THIS SUBTITLE UNLESS:**

15                   **(I) THE DEPARTMENT FIRST ISSUES A WRITTEN NOTICE OF**  
16 **VIOLATION TO THE PRODUCER; AND**

17                   **(II) THE PRODUCER HAS NOT REGISTERED WITH THE**  
18 **DEPARTMENT WITHIN 90 DAYS OF RECEIPT OF THE WRITTEN NOTICE.**

19           **(B) (1) BEGINNING JANUARY 1, 2027, A PRODUCER THAT DOES NOT**  
20 **MEET THE MINIMUM POSTCONSUMER RECYCLED CONTENT PERCENTAGE**  
21 **REQUIREMENTS ESTABLISHED UNDER THIS SUBTITLE IS SUBJECT TO AN**  
22 **ADMINISTRATIVE PENALTY EACH YEAR THE VIOLATION OCCURS.**

23           **(2) AN ADMINISTRATIVE PENALTY IMPOSED UNDER THIS**  
24 **SUBSECTION SHALL EQUAL THE PRODUCT OF MULTIPLYING:**

25                   **(I) THE TOTAL POUNDS OF PLASTIC USED IN THE PRODUCT**  
26 **CATEGORY MULTIPLIED BY THE RELEVANT MINIMUM POSTCONSUMER RECYCLED**  
27 **CONTENT PERCENTAGE, LESS THE TOTAL POUNDS OF POSTCONSUMER RECYCLING**  
28 **PLASTIC USED; AND**

29                   **(II) 20 CENTS.**

1           **(3) THE DEPARTMENT MAY ADJUST THE ADMINISTRATIVE PENALTY**  
2 **AMOUNT IMPOSED UNDER THIS SUBSECTION AS NECESSARY TO ENSURE THAT THE**  
3 **ADMINISTRATIVE PENALTY EXCEEDS THE COST OF COMPLIANCE.**

4           **(4) (I) THE DEPARTMENT MAY GRANT A REDUCTION IN THE**  
5 **ADMINISTRATIVE PENALTIES IMPOSED UNDER THIS SUBSECTION IF A PRODUCER**  
6 **SUBMITS TO THE DEPARTMENT A CORRECTIVE ACTION PLAN AND THE**  
7 **DEPARTMENT APPROVES THE CORRECTIVE ACTION PLAN.**

8           **(II) A CORRECTIVE ACTION PLAN SUBMITTED UNDER THIS**  
9 **PARAGRAPH SHALL INCLUDE:**

10                   **1. THE REASONS THE PRODUCER WILL FAIL TO MEET OR**  
11 **FAILED TO MEET THE MINIMUM POSTCONSUMER RECYCLED CONTENT PERCENTAGE**  
12 **REQUIREMENTS; AND**

13                   **2. THE STEPS THAT THE PRODUCER WILL TAKE TO**  
14 **COMPLY WITH THE REQUIREMENTS DURING THE SUBSEQUENT REPORTING YEAR.**

15           **(III) IN DETERMINING WHETHER TO GRANT A REDUCTION IN THE**  
16 **ADMINISTRATIVE PENALTIES, THE DEPARTMENT SHALL CONSIDER:**

17                   **1. ANOMALOUS MARKET CONDITIONS;**

18                   **2. DISRUPTION IN SUPPLY OR LACK OF SUPPLY OF**  
19 **RECYCLED PLASTICS;**

20                   **3. EFFORTS UNDERTAKEN BY THE PRODUCER TO**  
21 **INCREASE THE RECYCLABILITY OF THE PRODUCER'S PRODUCT AND THE SUPPLY OF**  
22 **POSTCONSUMER RECYCLED PLASTIC; AND**

23                   **4. OTHER FACTORS THAT PREVENT A PRODUCER FROM**  
24 **MEETING THE MINIMUM POSTCONSUMER RECYCLED CONTENT PERCENTAGE**  
25 **REQUIREMENTS.**

26           SECTION 2. AND BE IT FURTHER ENACTED, That:

27           (a) The Department of the Environment shall contract with a research university  
28 or an independent third-party consultant to:

29                   (1) evaluate the implementation of this Act and its effectiveness in  
30 stimulating the recycling markets in the State and displacing virgin plastic with  
31 postconsumer recycled content; and

1                   (2)     make recommendations for legislative or administrative actions, if any,  
2 necessary to further the purpose of this Act.

3           (b)     On or before October 1, 2030, the Department shall:

4                   (1)     report the findings and recommendations of the research university or  
5 independent third-party consultant to the Governor and, in accordance with § 2-1257 of  
6 the State Government Article, the Senate Education, Energy, and the Environment  
7 Committee and the House Environment and Transportation Committee; and

8                   (2)     post the findings and recommendations on the Department's website.

9           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2025.