

SENATE BILL 641

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CF 3lr1228

By: **Senators Frosh, Ferguson, Madaleno, Manno, Montgomery, Pinsky, and Raskin**

Introduced and read first time: February 1, 2013

Assigned to: Education, Health, and Environmental Affairs and Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Statewide Container Recycling Incentive Program**

3 FOR the purpose of requiring certain beverage distributors to register with the
4 Department of the Environment in a certain manner on or before a certain date;
5 requiring certain beverage distributors to maintain certain records; requiring a
6 redeemable beverage container sold in the State to bear certain information
7 beginning on a certain date; requiring each county, in consultation with the
8 Department, to designate certain convenience zones on or before a certain date;
9 requiring certain beverage distributors to pay a certain deposit to the
10 Comptroller of the State beginning on a certain date; establishing procedures
11 for the payment of certain deposits by certain beverage distributors to the
12 Comptroller; requiring the Comptroller to deposit certain payments to the
13 Container Recycling Incentive Fund; requiring certain beverage distributors to
14 collect a certain deposit on redeemable beverage containers from certain
15 retailers and on-premise sellers beginning on a certain date; requiring certain
16 retailers to charge a consumer a redeemable beverage container deposit at the
17 point of sale of a beverage; requiring that certain deposit charges appear as a
18 separate line item on bills and invoices and prohibiting certain deposit charges
19 from being included in the calculation of the sales tax on a beverage; requiring
20 at least one licensed redemption center to be located within each convenience
21 zone beginning on a certain date; establishing certain requirements for
22 redemption centers; requiring each county, in consultation with the
23 Department, to adopt certain rules and procedures for the licensing of
24 redemption centers and to establish certain verification procedures for certain
25 redemption centers; requiring the Comptroller to pay to a redemption center the
26 full refund value of the redeemable beverage containers the redemption center
27 accepts under certain circumstances; requiring the Comptroller to pay certain
28 handling fees to privately operated redemption centers and to redemption
29 centers operated by a county; establishing certain requirements for requests for
30 payment submitted by redemption centers to the Comptroller; authorizing the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Comptroller to refuse payment to a redemption center under certain
2 circumstances; establishing the Container Recycling Incentive Fund as a
3 special, nonlapsing fund; specifying the purpose of the Fund; requiring the
4 Comptroller to administer the Fund; requiring the State Treasurer to hold the
5 Fund and the Comptroller to account for the Fund; specifying the purposes for
6 which the Fund may be used; providing for the investment of money in and
7 expenditures from the Fund; authorizing the Secretary to adopt certain
8 regulations; requiring the Office of Recycling to work with the counties on
9 certain activities; defining certain terms; and generally relating to the
10 establishment of a Statewide Container Recycling Incentive Program.

11 BY adding to
12 Article – Environment
13 Section 9–1733 through 9–1741 to be under the new part “Part V. Statewide
14 Container Recycling Incentive Program”
15 Annotated Code of Maryland
16 (2007 Replacement Volume and 2012 Supplement)

17 Preamble

18 WHEREAS, Four billion beverage containers are sold in Maryland each year,
19 and fewer than 25% are reused or repurposed – the remainder end up in our landfills
20 and litter our environment; and

21 WHEREAS, Research indicates that litter impacts public health and decreases
22 property values, harming vulnerable communities and ecosystems; and

23 WHEREAS, Balancing environmental priorities with market incentives is
24 crucial to growing American manufacturing in an age of globalization and climate
25 change; and

26 WHEREAS, More than 2 decades of data from deposit states point to the
27 economic and environmental benefits of integrating beverage container deposit
28 incentive programs with curbside recycling; and

29 WHEREAS, Deposit systems are a proven policy tool for increasing beverage
30 container recycling rates and protecting the environment – the 10 deposit states
31 currently recycle more than 50% of all beverage containers in the United States,
32 leading to reductions in greenhouse gas emissions and litter pollution; and

33 WHEREAS, The purpose of this Act is to incentivize the reuse and repurpose of
34 beverage containers to encourage recycling, prevent litter, and reduce greenhouse gas
35 emissions affecting Maryland and the Chesapeake Bay watershed; now, therefore,

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

Article – Environment

9–1731. RESERVED.

9–1732. RESERVED.

PART V. STATEWIDE CONTAINER RECYCLING INCENTIVE PROGRAM.

9–1733.

(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) (1) “BEVERAGE” MEANS AN ALCOHOLIC OR A NONALCOHOLIC DRINK INTENDED FOR HUMAN CONSUMPTION AND PACKAGED FOR SALE IN A REDEEMABLE BEVERAGE CONTAINER.

(2) “BEVERAGE” INCLUDES BEER AND OTHER MALT BEVERAGES, WINE, DISTILLED SPIRITS REGARDLESS OF DAIRY–DERIVED CONTENT, CARBONATED AND NONCARBONATED SOFT DRINKS, FLAVORED AND UNFLAVORED BOTTLED WATER, FRUIT JUICE, AND TEA AND COFFEE DRINKS REGARDLESS OF DAIRY–DERIVED CONTENT.

(3) “BEVERAGE” DOES NOT INCLUDE:

(I) A SYRUP, A LIQUID CONCENTRATE, A CONDIMENT, OR ANY OTHER ADDITIVE INTENDED PRIMARILY AS A FLAVORING INGREDIENT IN FOOD OR DRINK;

(II) A LIQUID THAT IS A DRUG, A MEDICAL FOOD, OR AN INFANT FORMULA AS DEFINED BY THE FEDERAL FOOD, DRUG, AND COSMETIC ACT;

(III) A LIQUID THAT IS A DIETARY SUPPLEMENT AS DEFINED IN THE DIETARY SUPPLEMENT HEALTH AND EDUCATION ACT OF 1994;

(IV) MILK AND OTHER DAIRY–DERIVED PRODUCTS; OR

(V) A PRODUCT FROZEN AT THE TIME OF SALE TO THE CONSUMER.

(C) “COMPTROLLER” MEANS THE COMPTROLLER OF THE STATE.

1 (D) “CONSUMER” MEANS A PERSON WHO BUYS A REDEEMABLE
2 BEVERAGE CONTAINER IN THE STATE FOR USE OR CONSUMPTION
3 OFF-PREMISES.

4 (E) (1) “DISTRIBUTOR” MEANS A PERSON THAT MANUFACTURES
5 BEVERAGES IN REDEEMABLE BEVERAGE CONTAINERS, OR THAT IMPORTS
6 BEVERAGES IN REDEEMABLE BEVERAGE CONTAINERS TO SELL WITHIN THE
7 STATE.

8 (2) “DISTRIBUTOR” DOES NOT INCLUDE AIRLINES AND SHIPPING
9 COMPANIES THAT TRANSPORT REDEEMABLE BEVERAGE CONTAINERS.

10 (F) “PROGRAM” MEANS THE STATEWIDE CONTAINER RECYCLING
11 INCENTIVE PROGRAM.

12 (G) “REDEEMABLE BEVERAGE CONTAINER” MEANS AN INDIVIDUAL,
13 SEPARATE, AND SEALED GLASS, METAL, ALUMINUM, STEEL, OR PLASTIC JAR,
14 CAN, OR BOTTLE THAT, AT ITS TIME OF SALE, CONTAINS NOT MORE THAN 33.8
15 FLUID OUNCES AND NOT LESS THAN 6 FLUID OUNCES OF A BEVERAGE
16 INTENDED FOR CONSUMPTION WITHIN THE STATE.

17 (H) “REDEEMER” MEANS A PERSON, OTHER THAN A RETAILER OR
18 DISTRIBUTOR, WHO DEMANDS THE REFUND VALUE IN EXCHANGE FOR AN EMPTY
19 REDEEMABLE BEVERAGE CONTAINER.

20 (I) “REDEMPTION CENTER” MEANS A FACILITY LICENSED OR
21 OPERATED BY A COUNTY TO ACCEPT EMPTY REDEEMABLE BEVERAGE
22 CONTAINERS FROM CONSUMERS IN EXCHANGE FOR THE CONTAINERS’ REFUND
23 VALUE.

24 (J) “REDEMPTION RATE” MEANS THE PERCENTAGE OF REDEEMABLE
25 BEVERAGE CONTAINERS REDEEMED IN THE STATE OVER A REPORTING PERIOD,
26 WHICH IS CALCULATED BY DIVIDING THE NUMBER OF REDEEMABLE BEVERAGE
27 CONTAINERS REDEEMED BY THE NUMBER OF REDEEMABLE BEVERAGE
28 CONTAINERS SOLD, THEN MULTIPLYING THAT NUMBER BY 100.

29 (K) “RETAILER” MEANS A PERSON WHO SELLS A BEVERAGE IN A
30 REDEEMABLE BEVERAGE CONTAINER TO A CONSUMER FOR OFF-PREMISES
31 CONSUMPTION.

32 (L) (1) “ON-PREMISE SELLER” MEANS A PERSON WHO SELLS A
33 BEVERAGE IN A REDEEMABLE BEVERAGE CONTAINER FOR ON-PREMISE
34 CONSUMPTION.

1 **(2) “ON-PREMISE SELLER INCLUDES A BAR, RESTAURANT,**
2 **HOTEL, SPORTING VENUE, ENTERTAINMENT VENUE, AND GAMING VENUE.**

3 **(M) “REVERSE VENDING MACHINE” MEANS A MECHANICAL DEVICE**
4 **THAT ACCEPTS ONE OR MORE TYPES OF EMPTY REDEEMABLE BEVERAGE**
5 **CONTAINERS AND ISSUES A REDEEMABLE CREDIT SLIP FOR A VALUE NOT LESS**
6 **THAN THE CONTAINERS’ REFUND VALUE.**

7 **9-1734.**

8 **(A) (1) ON OR BEFORE APRIL 1, 2014, EVERY DISTRIBUTOR**
9 **OPERATING WITHIN THE STATE SHALL REGISTER WITH THE DEPARTMENT.**

10 **(2) AFTER APRIL 1, 2014, ANY PERSON WHO DESIRES TO**
11 **CONDUCT BUSINESS IN THE STATE AS A DISTRIBUTOR SHALL REGISTER WITH**
12 **THE DEPARTMENT NO LATER THAN 1 MONTH BEFORE COMMENCING BUSINESS.**

13 **(B) (1) A DISTRIBUTOR REGISTERED UNDER THIS SECTION SHALL**
14 **MAINTAIN RECORDS OF:**

15 **(I) THE QUANTITY OF ANY BEVERAGE IN A REDEEMABLE**
16 **BEVERAGE CONTAINER THAT THE DISTRIBUTOR MANUFACTURES, SELLS, OR**
17 **TRANSFERS; AND**

18 **(II) THE IMPORTATION AND EXPORTATION OF ANY**
19 **REDEEMABLE BEVERAGE CONTAINER.**

20 **(2) RECORDS KEPT IN ACCORDANCE WITH THIS SUBSECTION**
21 **SHALL BE MADE AVAILABLE FOR INSPECTION AT THE REQUEST OF THE**
22 **DEPARTMENT.**

23 **9-1735.**

24 **(A) BEGINNING OCTOBER 1, 2014, EXCEPT AS PROVIDED IN**
25 **SUBSECTION (C) OF THIS SECTION, EVERY REDEEMABLE BEVERAGE CONTAINER**
26 **SOLD IN THE STATE SHALL CLEARLY INDICATE A REFUND VALUE OF 5 CENTS**
27 **AND THE WORD “MARYLAND” OR THE LETTERS “MD” ON THE REDEEMABLE**
28 **BEVERAGE CONTAINER.**

29 **(B) THE REFUND VALUE SHALL BE CLEARLY, PROMINENTLY, AND**
30 **INDELIBLY MARKED BY PAINTING, PRINTING, SCRATCH EMBOSSING, OR**
31 **RAISED-LETTER EMBOSSING, OR BY SECURELY AFFIXED STICKERS, AND SHALL**

1 APPEAR ON THE TOP OR SIDE OF THE REDEEMABLE BEVERAGE CONTAINER IN
2 LETTERS AT LEAST ONE-EIGHTH INCH IN SIZE.

3 (C) THIS SECTION DOES NOT APPLY TO A REFILLABLE BEVERAGE
4 CONTAINER THAT HAS:

5 (1) A BRAND NAME PERMANENTLY MARKED ON THE CONTAINER;
6 AND

7 (2) THE EQUIVALENT OF A REFUND VALUE OF AT LEAST 5 CENTS
8 THAT IS PAID ON RECEIPT OF THE CONTAINER BY A RETAILER OR DISTRIBUTOR.

9 (D) NO CONTAINER MARKED IN ACCORDANCE WITH THIS SECTION MAY
10 BE SOLD TO A CONSUMER BEFORE OCTOBER 1, 2014.

11 9-1736.

12 (A) ON OR BEFORE APRIL 1, 2014, EACH COUNTY IN CONSULTATION
13 WITH THE DEPARTMENT SHALL DESIGNATE CONVENIENCE ZONES BASED ON
14 POPULATION DENSITY FOR THE PURPOSE OF ESTABLISHING REDEMPTION
15 CENTERS.

16 (B) ON OR BEFORE APRIL 1 OF EACH YEAR, EACH COUNTY SHALL
17 PREPARE AND MAKE AVAILABLE TO THE PUBLIC AN UPDATED MAP SHOWING
18 THE CONVENIENCE ZONES WITHIN ITS JURISDICTION.

19 9-1737.

20 (A) (1) BEGINNING OCTOBER 1, 2014, EVERY DISTRIBUTOR SHALL
21 PAY TO THE COMPTROLLER A DEPOSIT OF 5 CENTS FOR EVERY REDEEMABLE
22 BEVERAGE CONTAINER THAT THE DISTRIBUTOR SELLS, DONATES, OR
23 TRANSFERS WITHIN THE STATE.

24 (2) PAYMENT OF DEPOSITS SHALL BE MADE ON THE FIFTEENTH
25 BUSINESS DAY OF EACH MONTH FOR ALL SALES, DONATIONS, AND TRANSFERS
26 OCCURRING DURING THE PRECEDING MONTH.

27 (3) THE COMPTROLLER SHALL DEPOSIT THE PAYMENTS
28 COLLECTED UNDER THIS SUBSECTION IN THE CONTAINER RECYCLING
29 INCENTIVE FUND, IN ACCORDANCE WITH § 9-1740 OF THIS PART.

30 (B) (1) BEGINNING OCTOBER 1, 2014, EVERY DISTRIBUTOR THAT
31 PAYS A DEPOSIT TO THE COMPTROLLER UNDER THIS SECTION SHALL COLLECT

1 FROM A RETAILER OR AN ON-PREMISE SELLER A DEPOSIT OF 5 CENTS ON EACH
2 REDEEMABLE BEVERAGE CONTAINER THE DISTRIBUTOR SELLS WITHIN THE
3 STATE.

4 (2) A RETAILER SHALL CHARGE A CONSUMER THE 5-CENT
5 REDEEMABLE BEVERAGE CONTAINER DEPOSIT AT THE POINT OF SALE OF THE
6 BEVERAGE.

7 (3) A DEPOSIT CHARGE MADE IN ACCORDANCE WITH THIS
8 SUBSECTION SHALL APPEAR AS A SEPARATE LINE ITEM ON A BILL OR INVOICE
9 AND MAY NOT BE INCLUDED IN THE CALCULATION OF ANY SALES TAX ON THE
10 BEVERAGE.

11 (C) BEGINNING OCTOBER 1, 2014, A REDEEMER MAY RETURN AN
12 EMPTY REDEEMABLE BEVERAGE CONTAINER TO A REDEMPTION CENTER
13 ESTABLISHED UNDER § 9-1738 OF THIS PART FOR A FULL REFUND OF THE
14 5-CENT DEPOSIT PAID ON THE CONTAINER.

15 9-1738.

16 (A) (1) BEGINNING OCTOBER 1, 2014, AT LEAST ONE LICENSED
17 REDEMPTION CENTER SHALL BE LOCATED WITHIN EVERY CONVENIENCE ZONE
18 DESIGNATED UNDER § 9-1736 OF THIS PART.

19 (2) A REDEMPTION CENTER MAY BE OPERATED BY:

20 (I) A COUNTY;

21 (II) A MUNICIPALITY; OR

22 (III) A PRIVATE BUSINESS OR NONPROFIT ORGANIZATION
23 LICENSED BY A COUNTY.

24 (3) A REDEMPTION CENTER SHALL:

25 (I) ACCEPT ALL TYPES OF EMPTY REDEEMABLE BEVERAGE
26 CONTAINERS FOR WHICH A DEPOSIT HAS BEEN PAID;

27 (II) VERIFY THAT ALL CONTAINERS TO BE REDEEMED BEAR
28 A VALID MARYLAND REFUND VALUE;

29 (III) PAY TO THE REDEEMER THE FULL REFUND VALUE IN
30 EITHER CASH OR A REDEEMABLE VOUCHER;

1 (IV) ENSURE EACH REDEEMABLE BEVERAGE CONTAINER
2 THE REDEMPTION CENTER ACCEPTS IS RECYCLED THROUGH A CONTRACTUAL
3 AGREEMENT WITH AN IN-STATE RECYCLING FACILITY, OR ON-PREMISES IF THE
4 REDEMPTION CENTER IS A RECYCLING FACILITY;

5 (V) REMAIN OPEN AT LEAST 40 HOURS PER WEEK, OF
6 WHICH AT LEAST 5 HOURS SHALL BE ON SATURDAY OR SUNDAY; AND

7 (VI) FORWARD TO THE COMPTROLLER ALL
8 DOCUMENTATION NECESSARY TO SUPPORT CLAIMS FOR PAYMENT, IN
9 ACCORDANCE WITH § 9-1739 OF THIS PART.

10 (4) A REDEMPTION CENTER SHALL REFUSE TO PAY THE REFUND
11 VALUE ON ANY REDEEMABLE BEVERAGE CONTAINER THAT:

12 (I) IS BROKEN OR CORRODED;

13 (II) CONTAINS A FREE-FLOWING LIQUID;

14 (III) DOES NOT PROPERLY INDICATE A MARYLAND REFUND
15 VALUE; OR

16 (IV) EXHIBITS CHARACTERISTICS OF HAVING BEEN
17 PROCESSED AND BALED PREVIOUSLY.

18 (5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
19 PARAGRAPH, A REDEMPTION CENTER SHALL ACCEPT FROM A SINGLE
20 REDEEMER NO MORE THAN 450 REDEEMABLE BEVERAGE CONTAINERS AT ONE
21 TIME.

22 (II) 1. A REDEMPTION CENTER MAY ACCEPT MORE THAN
23 450 REDEEMABLE BEVERAGE CONTAINERS FROM A REDEEMER THAT IS A
24 CURBSIDE RECYCLING SERVICE PROVIDER OR AN ON-PREMISE SELLER.

25 2. A REDEMPTION CENTER MAY ESTIMATE THE
26 QUANTITY OF REDEEMABLE BEVERAGE CONTAINERS ACCEPTED FROM A
27 CURBSIDE RECYCLING PROVIDER OR AN ON-PREMISE SELLER USING
28 VOLUME-TO-WEIGHT CONVERSION TABLES PUBLISHED BY THE UNITED STATES
29 ENVIRONMENTAL PROTECTION AGENCY.

30 (6) (I) A REDEMPTION CENTER MAY USE A REVERSE VENDING
31 MACHINE TO SATISFY THE REQUIREMENTS OF THIS SUBSECTION.

1 (II) A REVERSE VENDING MACHINE SHALL:

2 1. ACCEPT ANY TYPE OF EMPTY REDEEMABLE
3 BEVERAGE CONTAINER AND PAY OUT THE FULL REFUND VALUE IN EITHER CASH
4 OR A REDEEMABLE VOUCHER FOR ANY CONTAINER THAT BEARS A VALID
5 MARYLAND REFUND VALUE;

6 2. REJECT A CONTAINER IF THE REVERSE VENDING
7 MACHINE IS UNABLE TO READ THE BARCODE ON THE CONTAINER; AND

8 3. BE ROUTINELY SERVICED TO ENSURE PROPER
9 OPERATION AND CONTINUOUS ACCEPTANCE OF EMPTY REDEEMABLE
10 BEVERAGE CONTAINERS AND PAYMENT OF REFUND VALUES.

11 (B) EACH COUNTY, IN CONSULTATION WITH THE DEPARTMENT, SHALL
12 ADOPT RULES AND PROCEDURES FOR THE LICENSING OF REDEMPTION
13 CENTERS.

14 (C) TO PROTECT AGAINST FRAUD, EACH COUNTY, IN CONSULTATION
15 WITH THE DEPARTMENT, SHALL ESTABLISH RANDOM THIRD-PARTY
16 VERIFICATION PROCEDURES FOR REDEMPTION CENTERS THAT COUNT
17 REDEEMABLE BEVERAGE CONTAINERS MANUALLY.

18 (D) EACH COUNTY SHALL BE GIVEN CREDIT FOR THE REDEEMABLE
19 BEVERAGE CONTAINERS COLLECTED FROM CURBSIDE AND DIVERTED FROM
20 MUNICIPAL SOLID WASTE STREAMS UNDER THIS PROGRAM TOWARDS THE
21 RECYCLING REDUCTION RATE GOALS ESTABLISHED BY § 9-505 OF THIS TITLE.

22 9-1739.

23 (A) THE COMPTROLLER SHALL REMIT TO A REDEMPTION CENTER THE
24 FULL REFUND VALUE OF EACH REDEEMABLE BEVERAGE CONTAINER THE
25 REDEMPTION CENTER ACCEPTS.

26 (B) IN ADDITION TO THE REFUND VALUE, THE COMPTROLLER SHALL
27 PAY TO A REDEMPTION CENTER OPERATED BY A PRIVATE ENTITY A HANDLING
28 FEE OF 0.025 CENTS FOR EACH REDEEMABLE BEVERAGE CONTAINER THE
29 REDEMPTION CENTER COLLECTS.

30 (C) IN ADDITION TO THE REFUND VALUE, THE COMPTROLLER SHALL
31 PAY TO A REDEMPTION CENTER OPERATED BY A COUNTY OR A MUNICIPALITY A
32 HANDLING FEE OF:

1 **(1) 3 CENTS FOR EACH REDEEMABLE BEVERAGE CONTAINER THE**
2 **REDEMPTION CENTER ACCEPTS DURING ITS FIRST 3 YEARS OF OPERATION; AND**

3 **(2) 2.5 CENTS FOR EACH REDEEMABLE BEVERAGE CONTAINER**
4 **THE REDEMPTION CENTER ACCEPTS AFTER ITS FIRST 3 YEARS OF OPERATION.**

5 **(D) PAYMENTS TO REDEMPTION CENTERS SHALL BE MADE ON A**
6 **PER-UNIT BASIS AND NOT ON THE BASIS OF WEIGHT, EXCEPT AS AUTHORIZED IN**
7 **§ 9-1738(A)(5)(II) OF THIS PART.**

8 **(E) (1) A REDEMPTION CENTER SHALL SUBMIT REQUESTS TO THE**
9 **COMPTROLLER FOR PAYMENT NO MORE THAN TWO TIMES PER MONTH.**

10 **(2) (I) A REDEMPTION CENTER SHALL SUBMIT REQUESTS FOR**
11 **PAYMENT ALONG WITH SUPPORTING DOCUMENTATION ON FORMS REQUIRED BY**
12 **THE COMPTROLLER.**

13 **(II) REQUESTS SHALL INCLUDE, AT A MINIMUM:**

14 **1. THE NUMBER OF REDEEMABLE BEVERAGE**
15 **CONTAINERS OF EACH MATERIAL TYPE ACCEPTED AT THE REDEMPTION**
16 **CENTER DURING THE REPORTING PERIOD;**

17 **2. THE AMOUNT OF REFUNDS PAID OUT BY**
18 **MATERIAL TYPE; AND**

19 **3. THE NUMBER OF REDEEMABLE BEVERAGE**
20 **CONTAINERS OF EACH MATERIAL TYPE TRANSPORTED TO AN IN-STATE**
21 **RECYCLING FACILITY.**

22 **(3) THE COMPTROLLER MAY REFUSE PAYMENT ON ANY REQUEST**
23 **THAT CONTAINS SIGNIFICANT DISCREPANCIES OR THAT DOES NOT INCLUDE**
24 **SUFFICIENT SUPPORTING DOCUMENTATION.**

25 **9-1740.**

26 **(A) IN THIS SECTION, “FUND” MEANS THE CONTAINER RECYCLING**
27 **INCENTIVE FUND.**

28 **(B) THERE IS A CONTAINER RECYCLING INCENTIVE FUND.**

1 **(C) THE PURPOSE OF THE FUND IS TO PROVIDE FINANCIAL ASSISTANCE**
2 **FOR THE PROGRAM IN ACCORDANCE WITH THIS PART.**

3 **(D) THE COMPTROLLER SHALL ADMINISTER THE FUND.**

4 **(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
5 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

6 **(2) THE STATE TREASURER SHALL HOLD THE FUND**
7 **SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

8 **(F) THE FUND CONSISTS OF:**

9 **(1) REDEEMABLE BEVERAGE CONTAINER DEPOSITS COLLECTED**
10 **UNDER § 9-1737 OF THIS PART;**

11 **(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

12 **(3) ANY INVESTMENT EARNINGS OF THE FUND; AND**

13 **(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED**
14 **FOR THE BENEFIT OF THE FUND.**

15 **(G) THE FUND SHALL BE USED ONLY:**

16 **(1) TO PAY HANDLING FEES AND REFUNDS ON REDEEMABLE**
17 **BEVERAGE CONTAINERS TO REDEMPTION CENTERS, IN ACCORDANCE WITH §**
18 **9-1739 OF THIS PART;**

19 **(2) TO IMPLEMENT AND ADMINISTER THE PROGRAM; AND**

20 **(3) TO PROVIDE FUNDING FOR STATE AND LOCAL RECYCLING**
21 **CENTERS, RECYCLING EQUIPMENT, RECYCLING EDUCATION, AND MARKETING;**
22 **AND**

23 **(4) TO PROVIDE FUNDING FOR STATE AND LOCAL**
24 **ENVIRONMENTAL PROGRAMS.**

25 **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**
26 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

1 **(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID**
2 **INTO THE SPECIAL FUND AND MAY NOT BE TRANSFERRED TO THE GENERAL**
3 **FUND OF THE STATE.**

4 **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN**
5 **ACCORDANCE WITH THE STATE BUDGET.**

6 **(J) MONEY EXPENDED FROM THE FUND FOR THE PROGRAM IS**
7 **SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING**
8 **THAT OTHERWISE WOULD BE APPROPRIATED FOR THE PROGRAM.**

9 **9-1741.**

10 **(A) THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT THE**
11 **PROVISIONS OF THIS PART.**

12 **(B) THE OFFICE OF RECYCLING SHALL WORK WITH THE COUNTIES TO:**

13 **(1) ASSIST WITH THE IMPLEMENTATION OF THE PROGRAM;**

14 **(2) ACHIEVE A STATEWIDE REDEEMABLE BEVERAGE CONTAINER**
15 **REDEMPTION RATE OF 75% BY DECEMBER 31, 2019;**

16 **(3) DEVELOP STRATEGIES FOR PROTECTING AGAINST FRAUD IN**
17 **THE PAYMENT OF HANDLING FEES AND REFUNDS; AND**

18 **(4) FACILITATE THE EXCHANGE OF INFORMATION BETWEEN**
19 **REDEEMABLE BEVERAGE CONTAINER MANUFACTURERS, DISTRIBUTORS,**
20 **RETAILERS, AND LICENSED REDEMPTION CENTERS, INCLUDING UNIVERSAL**
21 **PRODUCT CODE INFORMATION FOR REVERSE VENDING MACHINE PURPOSES.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2013.