

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 3

Bill No. 13 -2021

Introduced by: Christiana Rigby, Opel Jones, and Liz Walsh

AN ACT to prohibit the sale or distribution of certain single-use straws and stirrers, certain condiment packets and certain plastic food ware by certain food service facilities and retail business entities under specified circumstances; providing for exceptions to the prohibition; requiring certain establishments to have specified materials; providing for enforcement of the prohibition; specifying the duties of the Office of Community Sustainability; requiring fines to be placed in a certain Fund; and generally relating to waste reduction in the County.

Introduced and read first time _____, 2021. Ordered posted and hearing scheduled.

By order _____
Theodore Wimberly, 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 _____, 2021.

By order _____
Theodore Wimberly, Administrator

This Bill was read the third time on _____, 2021 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Theodore Wimberly, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2021 at ____ a.m./p.m.

By order _____
Theodore Wimberly, Administrator

Approved/Vetoed by the County Executive _____, 2021

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 **WHEREAS**, The County Council adopted the Howard County 2014-2024 Solid Waste Management Plan
2 on May 4, 2015. The solid waste goals set forth in the Plan include promoting the reduction of
3 waste.

4 **WHEREAS**, There is a growing trend among local jurisdictions to prohibit or significantly curtail the use
5 of disposable packaging for food as a step towards protecting the environment.

6 **WHEREAS**, The County Council finds that disposable packaging for food is a component of roadside
7 and marine litter that harms waterways and aquatic life.

8 **WHEREAS**, Various County watershed protection and environmental organizations have advocated for
9 reducing or eliminating the use of disposable packaging for food to help address serious stream
10 degradation in the County.

11 **WHEREAS**, The County Council concludes that it is in the public interest to prohibit the use of some
12 disposable packaging for food under certain circumstances.

13

14 **Section 1. Be it enacted** by the County Council of Howard County, Maryland, that the Howard County
15 Code is hereby amended as follows:

16 *By adding:*

17 *Title 14 - Licenses, Permits and Inspections*

18 *Subtitle 12. Disposable packaging for food.*

19

20

21

HOWARD COUNTY CODE

22

Title 14 - Licenses, Permits and Inspections

23

SUBTITLE 12. STRAWS; STIRRERS; DISPOSABLE PACKAGING FOR FOOD.

24

SEC. 14.1200. DEFINITIONS.

26 IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:

27 (1) “*FOOD SERVICE FACILITY*” HAS THE MEANING STATED IN § 12.107 OF THE HOWARD
28 COUNTY CODE.

29 (2) (I) “*PLASTIC FOOD WARE*” MEANS ITEMS:

30 1. THAT ARE MADE FROM MATERIAL THAT IS AT LEAST 50% DERIVED FROM:

31 A. A PETROLEUM-BASED POLYMER; OR

1 B. A PLANT-BASED POLYMER, INCLUDING POLYLACTIC ACID (PLA); AND

2 2. THAT ARE SHAPED INTO:

- 3 A. SINGLE-USER CUTLERY;
- 4 B. A HOT OR COLD BEVERAGE CUP;
- 5 C. A CUP LID;
- 6 D. A PLATE;
- 7 E. A BOWL;
- 8 F. A BOWL LID;
- 9 G. A CLAMSHELL FOOD CONTAINER;
- 10 H. A TRAY; OR
- 11 I. OTHER HINGED OR LIDDED FOOD CONTAINER.

12 (II) "PLASTIC FOOD WARE" DOES NOT INCLUDE NON-PLASTIC CUPS, PLATES, OR BOWLS
13 WITH A POLYETHYLENE OR OTHER PLASTIC COATING OR A WAX COATING.

14 (3) "RETAIL BUSINESS" MEANS A BUSINESS OTHER THAN A FOOD SERVICE FACILITY THAT
15 SELLS GOODS DIRECTLY TO ULTIMATE CONSUMERS.

16
17 **SEC. 14.1201. SINGLE-USE STRAWS AND STIRRERS.**

18 (A) *PROHIBITION.*

19 (1) BEGINNING ON JANUARY 1, 2022, A FOOD SERVICE FACILITY SHALL NOT SELL, DISTRIBUTE,
20 OR OTHERWISE PROVIDE A DRINKING STRAW OR BEVERAGE STIRRER WITH FOOD OR A BEVERAGE, EXCEPT
21 IN ACCORDANCE WITH THIS SUBTITLE.

22 (2) BEGINNING ON JANUARY 1, 2022, A RETAIL BUSINESS SHALL NOT SELL OR OTHERWISE
23 DISTRIBUTE A DRINKING STRAW OR BEVERAGE STIRRER DIRECTLY TO AN ULTIMATE CONSUMER UNLESS
24 THE RETAIL BUSINESS ALSO HAS AVAILABLE FOR SALE OR DISTRIBUTION A STRAW OR STIRRER THAT IS
25 MADE OF PAPER OR IS DESIGNED TO BE, AND MARKETED AS, REUSABLE.

26 (3) THE PROHIBITIONS OF THIS SECTION APPLY TO ENTITIES THAT ARE OPERATED BY OR ON
27 BEHALF OF A COUNTY DEPARTMENT OR AGENCY.

28 (4) DISPOSABLE STRAWS MADE OF A PLANT-BASED POLYMER, INCLUDING PLA, OR A
29 PETROLEUM-BASED POLYMER ARE INCLUDED IN THE PROHIBITIONS OF THIS SECTION.

30 (B) *EXCEPTIONS.*

31 (1) THE PROHIBITIONS SET FORTH IN THIS SECTION DO NOT APPLY TO:

32 (I) PRE-PACKAGED BEVERAGES THAT ARE RECEIVED BY A FOOD SERVICE FACILITY
33 OR RETAIL BUSINESS WITH A STRAW OR STIRRER ALREADY ATTACHED; AND

34 (II) AN OTHERWISE PROHIBITED ITEM PROVIDED:

1 1. TO AN INDIVIDUAL WHO REQUESTS THE ITEM; OR
2 2. TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT OR OTHER LAW
3 THAT REQUIRES ACCOMMODATIONS FOR THOSE WITH DISABILITIES.

4 (2) A FOOD SERVICE FACILITY SHALL KEEP A LIMITED STOCK OF STRAWS AVAILABLE TO
5 ACCOMMODATE AN INDIVIDUAL'S NEEDS UNDER THIS SECTION.

6
7 **SEC. 14.1202. PLASTIC FOOD WARE; DISPOSABLE PLASTIC CONDIMENT PACKETS.**

8 (A) *IN GENERAL.*

9 (1) BEGINNING ON JANUARY 1, 2022, A FOOD SERVICE FACILITY SHALL NOT SELL, DISTRIBUTE,
10 OR OTHERWISE PROVIDE PLASTIC FOOD WARE OR DISPOSABLE PLASTIC CONDIMENT PACKETS UNLESS
11 REQUESTED BY THE RECIPIENT.

12 (2) THE PROHIBITIONS OF THIS SUBSECTION APPLY TO ENTITIES THAT ARE OPERATED BY OR ON
13 BEHALF OF A COUNTY DEPARTMENT OR AGENCY.

14 (B) *EXCEPTIONS.*

15 (1) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, A FOOD SERVICE FACILITY MAY
16 PROVIDE AN OTHERWISE PROHIBITED ITEM TO A HOSPITAL, NURSING HOME, CONTINUING CARE AND
17 ASSISTED LIVING FACILITY, RESIDENTIAL REHABILITATION FACILITY, AND OTHER HEALTHCARE FACILITY.

18 (2) THE PROHIBITIONS SET FORTH IN SUBSECTION (A) OF THIS SECTION DO NOT APPLY TO:

19 (I) FOOD-RELATED BAGS OR WRAPPERS, INCLUDING, BUT NOT LIMITED TO, PLASTIC FILM,
20 CHIP BAGS, CRACKER AND COOKIE WRAPPERS, BREAD BAGS, MEAL KITS, OR ICE BAGS;

21 (II) BEVERAGE-RELATED BOTTLES OR CARTONS;

22 (III) PACKAGING FOR UNPREPARED FOOD;

23 (IV) PACKAGING FOR WHOLESALE DISTRIBUTION OF PREPARED FOOD, BAKED GOODS, OR
24 DAIRY PRODUCTS;

25 (V) PRODUCTS ENCASED IN OR ATTACHED TO PLASTIC FOOD WARE THAT ARE PRE-
26 PACKAGED BEFORE BEING RECEIVED BY A FOOD SERVICE FACILITY; AND

27 (VI) PLASTIC FOOD WARE THAT IS DESIGNED TO BE AND MARKETED AS REUSABLE.

28
29 **SEC. 14.1203. EDUCATION AND OUTREACH.**

30 (A) *IN GENERAL.*

31 THE COUNTY EXECUTIVE SHALL DESIGNATE A UNIT OF COUNTY GOVERNMENT TO CONDUCT AN
32 EDUCATION AND OUTREACH CAMPAIGN BEFORE AND DURING IMPLEMENTATION OF THIS SUBTITLE BY:

33 (1) PROVIDING INFORMATION TO AFFECTED BUSINESSES AND TO THE PUBLIC;

34 (2) POSTING INFORMATION ON THE COUNTY WEBSITE; AND

1 (3) ISSUING NEWS RELEASES AND HOLDING NEWS EVENTS.

2 (B) *COLLABORATION.*

3 THE UNIT DESIGNATED UNDER THIS SECTION SHALL COLLABORATE WITH ORGANIZATIONS IN THE
4 DISABILITY COMMUNITY TO INFORM COMMUNITY MEMBERS OF THEIR RIGHTS UNDER THIS SUBTITLE.

5
6 **SEC. 14.1204. ENFORCEMENT; PENALTIES.**

7 (A) *IN GENERAL.*

8 THE OFFICE OF COMMUNITY SUSTAINABILITY SHALL ENFORCE THIS SUBTITLE.

9 (B) *DELAYED ENFORCEMENT.*

10 THE OFFICE OF COMMUNITY SUSTAINABILITY SHALL NOT IMPOSE A FINE UNDER THIS SUBTITLE
11 BEFORE JULY 1, 2022.

12 (C) *PENALTIES.*

13 (1) IN ADDITION TO AND CONCURRENT WITH ALL OTHER REMEDIES, THE OFFICE OF COMMUNITY
14 SUSTAINABILITY MAY ENFORCE THIS SUBTITLE WITH CIVIL PENALTIES PURSUANT TO TITLE 24, "CIVIL
15 PENALTIES," OF THE HOWARD COUNTY CODE. A FIRST VIOLATION IS A CLASS C OFFENSE, THE SECOND
16 VIOLATION IS A CLASS B OFFENSE, AND A SUBSEQUENT VIOLATION IS CLASS A OFFENSE.

17 (2) THE OFFICE OF COMMUNITY SUSTAINABILITY MAY INSTITUTE ON BEHALF OF HOWARD
18 COUNTY ANY LEGAL ACTION, INCLUDING AN ACTION FOR APPROPRIATE INJUNCTIVE RELIEF, IN ORDER TO
19 COMPEL COMPLIANCE WITH THIS SUBTITLE.

20 (3) EACH DAY THAT A VIOLATION EXISTS IS A SEPARATE VIOLATION.

21 (4) CIVIL PENALTIES COLLECTED UNDER THIS SUBTITLE SHALL BE DEPOSITED IN THE DISPOSABLE
22 PLASTICS REDUCTION FUND ESTABLISHED BY SECTION 20.1305 OF THIS CODE.

23
24 ***Section 2. Be it further enacted*** by the County Council of Howard County, Maryland, that this Act shall
25 *become effective 61 days after its enactment.*

26