

FINAL

AMENDED
April 3 and 17, 2023
May 1 and 15, 2023

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 5

Bill No. 19-23

Introduced by Ms. Rodvien, Ms. Hummer, and Ms. Pickard

By the County Council, March 6, 2023

Introduced and first read on March 6, 2023
Public Hearing set for and held on April 3, 2023
Public Hearing on AMENDED bill set for and held on April 17, 2023
Public Hearing on SECOND AMENDED bill set for and held on May 1, 2023
Public Hearing on THIRD AMENDED bill set for and held on May 15, 2023
Public Hearing on FOURTH AMENDED bill set for and held on June 5, 2023
Bill Expires on June 9, 2023

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Public Safety – ~~Ban the Bag Act of Anne Arundel County~~
2 Bring Your Own Bag Plastic Reduction Act

3
4 FOR the purpose of prohibiting the retail distribution of plastic bags in Anne Arundel
5 County; defining certain terms; establishing the duties of certain retail establishments;
6 requiring an example of a notice required by retail establishments to be posted on the
7 County website; making a violation a Class C civil offense; providing for the
8 enforcement of the prohibition on plastic bags; allowing retail establishments to
9 distribute paper and reusable bags at no cost until a certain date; providing for a delayed
10 effective date; and generally relating to public safety.

11
12 BY adding: § 12-7-109
13 Anne Arundel County Code (2005, as amended)

14
15 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
16 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

ARTICLE 12. PUBLIC SAFETY

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Underlining indicates matter added to bill by amendment.
~~Strikeover~~ indicates matter removed from bill by amendment.

TITLE 7. MISCELLANEOUS PROVISIONS

12-7-109. Plastic bags prohibited.

(A) **Definitions.** IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(1) "FOOD SERVICE FACILITY" MEANS AN ESTABLISHMENT LICENSED UNDER § 11-6-101 OF THIS CODE.

(2) (I) "PLASTIC CARRYOUT BAG" MEANS A PLASTIC BAG THAT IS PROVIDED BY A RETAIL ESTABLISHMENT TO A CUSTOMER AT THE POINT OF SALE AND IS NOT A REUSABLE CARRYOUT BAG.

(II) "PLASTIC CARRYOUT BAG" INCLUDES A COMPOSTABLE PLASTIC BAG THAT MEETS THE SPECIFICATIONS OF THE AMERICAN SOCIETY OF TESTING AND MATERIALS INTERNATIONAL STANDARD SPECIFICATION FOR COMPOSTABLE PLASTICS D6400.

(III) "PLASTIC CARRYOUT BAG" DOES NOT INCLUDE A PLASTIC BAG USED TO CONTAIN, PACKAGE, OR WRAP:

1. BAKERY GOODS OR UNWRAPPED PREPARED FOODS;

2. BULK ITEMS, INCLUDING FRUIT, VEGETABLES, NUTS, GRAINS, CANDY, OR SMALL HARDWARE ITEMS;

3. RAW MEAT OR SEAFOOD, OR OTHER FOODS THE STATE OR CONSISTENCY OF WHICH IS NOT CONDUCIVE TO THE USE OF ANYTHING OTHER THAN PLASTIC CARRYOUT BAGS;

4. NEWSPAPERS; ~~OR~~

5. FRESH FLOWERS, POTTED PLANTS, OR HERBS;

6. HANGING GARMENTS OR DRY-CLEANED CLOTHES; ~~OR~~

7. LIVE FISH, INSECTS, MOLLUSKS, OR CRUSTACEANS; OR

8. CIGARS OR LOOSE TOBACCO.

(3) "POINT OF SALE" MEANS THE PHYSICAL OR VIRTUAL PLACE WHERE A CUSTOMER EXECUTES PAYMENT FOR GOODS OR SERVICES OR RECEIVES GOODS OR SERVICES.

(4) "RETAIL ESTABLISHMENT" MEANS A STORE, FOOD SERVICE FACILITY, OR ANY OTHER ESTABLISHMENT THAT PROVIDES BAGS TO ITS CUSTOMERS AS A RESULT OF THE SALE OF GOODS OR SERVICES.

(5) "REUSABLE CARRYOUT BAG" MEANS A BAG WITH STITCHED HANDLES THAT IS MADE OF CLOTH OR OTHER WASHABLE FABRIC OR A DURABLE MATERIAL SUITABLE FOR MULTIPLE REUSE, IS SPECIFICALLY DESIGNED AND MANUFACTURED FOR MULTIPLE REUSE, AND IS NOT MADE OF PLASTIC FILM.

(B) Applicability. THIS SECTION DOES NOT APPLY TO A FOOD SERVICE FACILITY OR CAFETERIA IF THE FOOD SERVICE FACILITY OR CAFETERIA IS OPERATED BY A SCHOOL.

~~(B)~~ **(C) Prohibition.** A RETAIL ESTABLISHMENT MAY NOT PROVIDE A PLASTIC CARRYOUT BAG TO A CUSTOMER.

1 ~~(C)~~ **(D) Duties of retail establishments.**

2
3 (1) THIS SUBSECTION DOES NOT APPLY TO A RETAIL ESTABLISHMENT THAT IS A
4 FOOD SERVICE FACILITY FULL-SERVICE RESTAURANT, LIMITED-SERVICE RESTAURANT,
5 FAST FOOD RESTAURANT, CAFÉ, DELICATESSEN, COFFEE SHOP, VENDING TRUCK OR CART,
6 FOOD TRUCK, BUSINESS OR INSTITUTIONAL CAFETERIA, OR OTHER BUSINESSES SELLING
7 OR PROVIDING FOOD FOR CONSUMPTION ON OR OFF THE PREMISES PROVIDED THAT THE
8 BUSINESS IS NOT A SUPERMARKET OR GROCERY STORE OR LOCATED IN OR PART OF A
9 CONVENIENCE STORE.

10
11 ~~(4)~~ (2) EXCEPT AS PROVIDED IN PARAGRAPHS ~~(2) AND (3)~~ (3) AND (4), A RETAIL
12 ESTABLISHMENT SHALL CHARGE, COLLECT, AND RETAIN AT LEAST 10 CENTS FOR EACH
13 PAPER CARRYOUT BAG AND REUSABLE CARRYOUT BAG THAT IT PROVIDES TO A
14 CUSTOMER.

15
16 ~~(2)~~ (3) A RETAIL ESTABLISHMENT MAY NOT CHARGE FOR A PAPER CARRYOUT BAG
17 PROVIDED BY A PHARMACIST IF THE PAPER CARRYOUT BAG CONTAINS PRESCRIPTION
18 DRUGS.

19
20 ~~(3)~~ (4) A RETAIL ESTABLISHMENT MAY PROVIDE FREE REUSABLE CARRYOUT BAGS
21 FOR A NINE-DAY PERIOD EACH YEAR FROM APRIL 22 THROUGH APRIL 30 AND DURING A
22 PROMOTIONAL PERIOD ESTABLISHED BY THE RETAIL ESTABLISHMENT UP TO 10 DAYS PER
23 MONTH.

24
25 ~~(4)~~ (5) (I) A RETAIL ESTABLISHMENT SHALL POST NOTICES THAT ADVISE
26 CUSTOMERS TO BRING REUSABLE CARRYOUT BAGS OR TO PURCHASE REUSABLE
27 CARRYOUT BAGS AND THAT EACH PAPER CARRYOUT BAG IS SUBJECT TO A CHARGE OF
28 AT LEAST 10 CENTS.

29
30 ~~(II) THE NOTICES SHALL BE POSTED AT EACH PLACE WHERE CUSTOMER~~
31 ~~SHOPPING CARTS ARE KEPT AND AT EACH POINT OF SALE, AND SHALL BE IN ENGLISH AND~~
32 ~~IN THE LANGUAGE OF ANY LIMITED ENGLISH PROFICIENT POPULATION THAT~~
33 ~~CONSTITUTES AT LEAST 3% OF THE COUNTY POPULATION AS MEASURED BY THE MOST~~
34 ~~RECENT UNITED STATES CENSUS.~~

35
36 (II) THE NOTICES SHALL BE POSTED AT THE PUBLIC ENTRANCE TO THE RETAIL
37 ESTABLISHMENT OR AT EACH POINT OF SALE AND SHALL BE IN ENGLISH AND SPANISH.
38 THE COUNTY SHALL POST AN EXAMPLE OF THE NOTICE IN ENGLISH AND SPANISH ON THE
39 COUNTY WEBSITE.

40
41 ~~(5)~~ (6) A RETAIL ESTABLISHMENT MAY NOT ADVERTISE, HOLD OUT, OR STATE TO
42 THE PUBLIC, DIRECTLY OR INDIRECTLY, THAT REIMBURSEMENT OF ANY PART OF THE
43 MONEY COLLECTED UNDER PARAGRAPH ~~(4)~~ (2) WILL BE ASSUMED OR ABSORBED BY THE
44 STORE OR REFUNDED TO THE CUSTOMER.

45
46 ~~(6)~~ (7) A RETAIL ESTABLISHMENT SHALL INDICATE ON THE CONSUMER
47 TRANSACTION RECEIPT THE NUMBER OF PAPER AND REUSABLE CARRYOUT BAGS
48 PROVIDED BY THE STORE AND THE TOTAL AMOUNT OF MONEY CHARGED PER TYPE OF
49 BAG.

50
51 ~~(D)~~ **(E) Violations; enforcement.**

52
53 (1) A VIOLATION OF THIS SECTION IS A CLASS C CIVIL OFFENSE. THE COUNTY MAY
54 ENFORCE THIS SECTION THROUGH INJUNCTIVE PROCEEDINGS OR ANY OTHER
55 APPROPRIATE PROCEEDINGS.

56
57 (2) A RETAIL ESTABLISHMENT SHALL BE GIVEN A WARNING FOR THE FIRST
58 OFFENSE.

1 (3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (II) AND (III), MULTIPLE
2 VIOLATIONS DURING A CONSUMER TRANSACTION AT A SINGLE POINT OF SALE
3 CONSTITUTES A SINGLE OFFENSE.

4
5 (II) THE PROVISION OF ONE OR MORE PLASTIC CARRYOUT BAGS PER
6 CONSUMER TRANSACTION AT A SINGLE POINT OF SALE IS A SINGLE OFFENSE.

7 (III) THE FAILURE TO CHARGE, COLLECT, OR RETAIN AT LEAST 10 CENTS PER
8 PAPER OR REUSABLE CARRYOUT BAG THAT A RETAIL ESTABLISHMENT PROVIDES TO A
9 CUSTOMER IS A SINGLE OFFENSE.

10
11 (4) A FINE MAY NOT BE IMPOSED AGAINST A RETAIL ESTABLISHMENT MORE THAN
12 ONCE IN A SEVEN-DAY PERIOD.

13
14 (5) (I) THE DEPARTMENT OF HEALTH SHALL ENFORCE THIS SECTION AT ALL FOOD
15 SERVICE FACILITIES.

16
17 (II) THE DEPARTMENT OF INSPECTIONS AND PERMITS SHALL ENFORCE THIS
18 SECTION AT ALL RETAIL ESTABLISHMENTS THAT ARE NOT FOOD SERVICE FACILITIES.

19
20 (III) THE NAME AND ADDRESS OF ANY RETAIL ESTABLISHMENT FOUND TO
21 VIOLATE THIS SECTION, INCLUDING THE DATE OF THE VIOLATION, THE NATURE OF THE
22 VIOLATION, AND THE AMOUNT OF ANY FINE IMPOSED, SHALL BE POSTED ON THE
23 COUNTY'S WEBSITE.


24
25 SECTION 2. *And be it further enacted*, That a retail establishment may provide paper
26 carryout bags and reusable carryout bags at no cost until ~~November 1, 2023~~ February 1,
27 2024.

28
29 SECTION 3. *And be it further enacted*, That, except as provided in Section 2 of this
30 Ordinance, this Ordinance shall take effect on ~~October 1, 2023~~ January 1, 2024.


AMENDMENTS ADOPTED: April 3 and 17 and May 1 and 15, 2023

READ AND PASSED this 5th day of June, 2023

By Order:


Laura Corby
Administrative Officer

PRESENTED to the County Executive for his approval this 6th day of June, 2023


Laura Corby
Administrative Officer

APPROVED AND ENACTED this 14th day of June, 2023



Steuart Pittman
County Executive

EFFECTIVE DATE: January 1, 2024

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I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 19-23 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.

A handwritten signature in black ink, appearing to read "Laura Corby". The signature is fluid and cursive, with a long horizontal stroke at the end.

Laura Corby
Administrative Officer