City of Bowie
Memorandum

Thursday, March 16, 2023
Alfred D. Lott, ICMA-CM, CPM,
City Manager

STATUS REPORT

1. **Better Bag Bill (CB-32-2023)**
This week, the Prince George's County Council presented legislation that will prohibit the use of carryout plastic bags in the County's retail establishments after December 31, 2023. A copy of the proposed bill is attached. After December 31st, a retail establishment shall charge at least 10 cents for each paper carryout bag or reusable carryout bag that it provides to a customer. The charge shall not apply to a paper bag containing prescription medication provided by a pharmacy to a customer. CB-32-2023 was referred to the County Council's Transportation, Infrastructure, Energy and Environment (TIEE) Committee for review.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2023 Legislative Session

Bill No. CB-032-2023

Chapter No. _____

Proposed and Presented by Chair Dernoga, Blegay

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

AN ACT concerning

Better Bag Bill

For the purpose of providing for legislative intent; defining certain terms; prohibiting, after a certain date, a retail establishment from distributing certain plastic carryout bags to a customer at the point of sale; establishing a minimum charge for certain paper and reusable carryout bags provided by a retail establishment; providing for a certain exception; providing for a certain prohibition on certain advertising; providing for a certain promotion; providing for certain information on a certain receipt; providing that certain signage may be posted regarding certain charges for paper and reusable carryout bags; providing for education and outreach; establishing a certain maximum civil penalty for a violation of this Division; establishing that the distribution of a certain number of plastic carryout bags at a single point of sale constitutes a single violation; prohibiting the imposition of a penalty under this Division unless certain conditions are met; providing for the enforcement of this Division; providing for a certain waiver; providing for a certain report; providing for certain citations; permitting the Department of the Environment to adopt certain regulations; providing for the applicability of this Division; and generally relating to one-time use plastic carryout bags.

BY adding:

SUBTITLE 19. POLLUTION.
Sections 19-162, 19-163, 19-164, 19-165, 19-166,
19-167, 19-168, and 19-169
The Prince George's County Code

(2019 Edition; 2022 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 19-162, 19-163, 19-164, 19-165, 19-166, 19-167,19-168 and 19-169 of the Prince George's County Code be and the same are hereby added:

SUBTITLE 19. POLLUTION.

DIVISION 9. PLASTIC BAG REDUCTION.

Sec. 19-162. - Legislative Intent.

(a) The world's oceans are taking in million tons of plastic from land-based sources annually and plastic bags are among the top five plastic products collected in beach cleanups in the United States.

(b) At major grocery chains in Prince George's County, as of 2022, a small percentage of shoppers do not use single-use carryout bags provided at no charge by retailers. Nearly all of these bags are plastic, resulting in County residents using hundreds of millions of plastic carryout bags annually.

(c) Littered plastic bags end up in waterways where they are ingested by marine life, injuring and killing fish, seabirds, and marine mammals.

(d) Single-use plastic bags remain in the environment for lifetimes, degrading over time into microplastic particles that absorb toxic chemicals, are found in the deepest ocean trenches, pristine natural areas, and house dust, and are impossible to clean up, and that humans are ingesting as much as a credit card's worth of plastic weekly.

(e) Plastic carryout bags are not recyclable at the County's recycling facility and impose costs to county government and taxpayers in the form of removal of litter and repair and wear-and-tear on recycling machinery due to the improper disposal of plastic bags in recycling bins.

(f) Single-use plastic bags are made from fossil fuels and their production results in harmful greenhouse gas emissions at every stage of their life cycle from extraction to production to disposal, contributing to climate change.

(g) The manufacture of single-use paper bags destroys forests that mitigate climate change, involves toxic chemicals, and generates significant air pollution.

(h) Single-use carryout bags are provided free of charge by many retail establishments as a service, but shoppers are actually paying for them as part of their grocery bill, in a higher price for

merchandise. Single-use carryout bags provided by retail establishments impose unseen costs on consumers, local governments and taxpayers, and constitute a public nuisance.

(i) The County Council finds that the use of single-use carryout bags by consumers at retail establishments is detrimental to the environment, public health, and welfare of County residents, and that it is in the best interests of maintaining the health, safety, and welfare of County residents and visitors to reduce the distribution of single-use carryout bags and incentivize the use of reusable bags by prohibiting provision of single-use plastic carryout bags and requiring retailers to charge at least 10 cents for each paper bag.

Sec. 19-163. Definitions.

(a) In this Division, the following words have the meanings indicated.

(1) **Department** means the Prince George's County Department of the Environment.

(2) **Director** means the Prince George's County Director of the Department of the Environment or their designee.

(3) **Food Service Facility** has the meaning stated in § 21–301 of the Health - General Article of the Annotated Code of Maryland.

(4) (A) **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.

(B) **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.

(C) **Plastic Carryout Bag** does not include: a plastic bag used to:

(i) package bulk items, including fruit, vegetables, nuts, grains, candy, or small hardware items;

(ii) contain or wrap frozen foods, meat, or fish, whether prepackaged or not;

(iii) contain or wrap flowers, potted plants, or other damp items;

(iv) contain unwrapped prepared foods or bakery goods;

(v) contain garments or dry–cleaned clothes; or

(vi) take live fish, insects, mollusks, or crustaceans away from the retail establishment; or

(5) **Retail Establishment** means a store, a food service facility, or any other establishment that provides bags to its customers as a result of the sale of a product, or service whether for-profit or

not-for-profit.

(c) **Reusable Carryout Bag** means a bag with stitched handles that is specifically designed and manufactured for multiple reuse and is made of:

(1) cloth or other washable fabric; or

(2) a durable material suitable for multiple re-use that is not made of plastic film.

Sec. 19-164. Prohibited Acts; Paper and Reusable Carryout Bag Charge.

(a) After December 31, 2023, a retail establishment may not provide a plastic carryout bag to a customer.

(b) (1) After December 31, 2023, a retail establishment shall charge, collect, and retain at least 10 cents for each paper carryout bag and reusable carryout bag that it provides to a customer.

(2) The charge for paper carryout bags shall not apply to a paper bag containing prescription medication provided by a pharmacy to a customer.

(3) A retail establishment may not advertise, hold out, or state to the public or to a customer, directly or indirectly, that any part of the money collected under paragraph (1) of this subsection will be assumed or absorbed by the establishment or refunded to the customer.

(4) Notwithstanding subsections (1)-(3), above, the Department may designate one week per year when retail establishments may provide reusable bags free of charge as a promotion.

(5) A retail establishment shall indicate on the customer transaction receipt the number of paper or reusable carryout bags provided by the establishment and the amount charged.

(6) A retail establishment may post a sign at each point of sale such that it is visible to customers and employees during a transaction that states the charge for each paper carryout bag and reusable carryout bag it provides to a customer.

Sec. 19-165. Education and Outreach.

(a) The Department shall conduct an education and outreach campaign before and during implementation of the provisions of this Division. This campaign should include: (1) informational mailers to and direct contact with affected businesses;(2) distribution of information through County internet and web-based resources; and(3) news releases and news events.

(b) The Department shall collaborate with organizations in the environmental community to inform community members of the provisions of this Division.

Sec. 19-166. Penalty; notice of violation.

(a) Subject to subsection (b) of this section, a retail establishment that violates the provisions of

this Division is subject to a civil penalty not exceeding $500.

(b) (1) (i) the provision of one or more plastic carryout bags at a single point of sale is a single violation.

(ii) the failure to charge the amount of money required under this Division for the provision of one or more paper or reusable carryout bags at a single point of sale is a single violation.

(2) a penalty may not be imposed under this section unless a retail establishment:

(i) is first issued a written notice of violation; and

(ii) does not correct the violation within 7 days after receipt of the written notice.

Sec. 19-167. Enforcement; waiver; annual report.

(a) This Division shall be enforced by the Department.

(b) The Director or their designee may grant a retail establishment a waiver from the requirements of this Division for a period of up to 3 months if the Director determines that achieving compliance under this Division would cause the retail establishment an undue hardship or a practical difficulty not generally applicable to other retail establishments in similar circumstances.

(c) The Department shall submit an annual report to the County Executive and County Council that includes a list of all enforcement actions taken and penalties issued under this Division.

Sec. 19-168. Citations.

The Department of Environment shall not issue a citation with a monetary penalty for the first 90 days after the provisions of this Division take effect; however, during this period the Department may issue a correction notice and shall attempt to educate any non-compliant retail establishment on the requirements of this Division.

Sec. 19-169. Regulations.

The Department may adopt regulations to implement the provisions of this Division.

SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this _____ day of _____ , 2023.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

_____
Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.