

Department of Legislative Services  
Maryland General Assembly  
2019 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 134 (Delegate Love, *et al.*)  
Economic Matters and Environment and  
Transportation

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Environment - Single-Use Plastic Straws - Use in Restaurants

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This bill prohibits, beginning January 1, 2020, a restaurant from providing a single-use plastic straw to a customer dining in at the restaurant, unless the customer requests a straw. This prohibition does not apply to restaurant services provided at a drive-through window.

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Fiscal Summary

**State Effect:** The bill is not expected to materially affect State finances or operations, assuming the Maryland Department of the Environment (MDE) is not responsible for enforcement.

**Local Effect:** Expenditures for local health departments (LHDs) may increase minimally to enforce the bill. Local revenues may increase minimally due to the application of existing penalties to the bill's prohibition.

**Small Business Effect:** Minimal. It is assumed that most small business restaurants can implement the bill without a material disruption to their operations.

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Analysis

**Current Law/Background:** Current law is silent with regard to offering plastic straws to customers in restaurants. Generally, plastic straws are not recyclable. MDE advises that it commissioned a statewide waste characterization study in 2016, and at that time, 3.9% of the municipal waste stream was categorized as "other/composite" plastic materials, which includes plastic straws. However, it is likely that plastic straws only make up a small portion of that segment of the municipal solid waste stream.

Title 9, Subtitle 21 of the Environment Article establishes required standards for plastic products labeled as biodegradable, degradable, decomposable, or any other term that implies that the product will break down, fragment, biodegrade, or decompose in a landfill or any other environment. A person who violates these provisions is subject to a civil penalty of \$500 for a first violation, a civil penalty of \$1,000 for a second violation, and a civil penalty of \$2,000 for a third and subsequent violation. Local governments enforce these provisions, and any penalties collected pursuant to these provisions are paid to the county, municipality, or other local government that brought the enforcement action.

MDE advises that at least 15 cities in the United States, including San Francisco and Miami, have passed ordinances prohibiting the distribution of single-use plastic straws by restaurants. According to National Geographic, in 2018, Seattle became the largest city in the United States to ban plastic straws. Further, National Geographic reports that a number of retail food service companies and facilities, including Starbucks, Bon Appétit Management, and McDonalds (in the United Kingdom and Ireland) have announced plans to phase out plastic straws. In Washington, DC, effective October 29, 2018, restaurants and food service facilities may only use compostable and/or reusable straws and stirrers when serving and selling food or beverages in the district.

**Local Fiscal Effect:** Because civil penalty revenue under Title 9, Subtitle 21 of the Environment Article is directed to the local government that brought the enforcement action, it is assumed that local governments are primarily responsible for enforcement of the bill's prohibitions and labeling requirements. In addition, LHDs are already responsible for enforcement and inspection of food service facilities. Thus, it is assumed that LHDs enforce the bill, which may result in an increase in expenditures. However, assuming enforcement is complaint based, any impact is likely minimal. Local revenues may increase from any successful enforcement actions that result in fine revenue.

The bill is not expected to have a material impact on the overall waste stream in the State. Thus, the bill is not anticipated to materially affect waste disposal costs or local revenues from landfill operations.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of the Environment; Maryland Association of County Health Officers; National Geographic; Washington, DC Department of Energy and Environment; Department of Legislative Services

**Fiscal Note History:** First Reader - February 11, 2019  
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