

Chapter 471

(House Bill 1442)

AN ACT concerning

Environment – Expanded Polystyrene Food Service Products – Definition

FOR the purpose of altering the definition of “expanded polystyrene food service product” to exclude certain egg cartons ~~shipped into or within the State~~ and cartons of eggs from certain prohibitions relating to the food service products; and generally relating to expanded polystyrene food service products.

BY repealing and reenacting, with amendments,
 Article – Environment
 Section 9–2201
 Annotated Code of Maryland
 (2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
 Article – Environment
 Section 9–2203
 Annotated Code of Maryland
 (2014 Replacement Volume and 2019 Supplement)

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

Article – Environment

9–2201.

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

(b) “Expanded polystyrene” means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by a number of techniques, including fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion–blow molding (extruded foam polystyrene).

(c) (1) “Expanded polystyrene food service product” means a product made of expanded polystyrene that is:

(i) Used for selling or providing food or beverages; and

(ii) 1. Intended by the manufacturer to be used once for eating or drinking; or

2. Generally recognized by the public as an item to be discarded after one use.

(2) “Expanded polystyrene food service product” includes:

- (i) Food containers;
- (ii) Plates;
- (iii) Hot and cold beverage cups;
- (iv) Trays; and
- (v) Cartons for eggs or other food.

(3) “Expanded polystyrene food service product” does not include:

(i) Food or beverages that have been packaged in expanded polystyrene containers before receipt by a food service business;

(ii) A product made of expanded polystyrene that is used to package raw, uncooked, or butchered meat, fish, poultry, or seafood; [or]

(iii) Nonfoam polystyrene food service products; **OR**

(IV) 1. CARTONS FOR EGGS THAT ARE MADE OF EXPANDED POLYSTYRENE THAT ARE SHIPPED;

~~1. INTO~~ INTO THE STATE FOR PACKAGING; **OR**

2. ~~WITHIN THE STATE~~ CARTONS OF EGGS THAT HAVE BEEN PACKAGED WITHIN THE STATE FOR SALE WITHIN THE STATE.

(d) (1) “Food service business” means a business in the State that sells or provides food or beverages for consumption on or off the premises.

(2) “Food service business” includes a business or institutional cafeteria, including a cafeteria operated by or on behalf of the State or a local government.

(e) “School” includes:

- (1) A public elementary or secondary school;
- (2) A nonpublic elementary or secondary school; and

(3) An institution of higher education, as defined in § 10–101(h) of the Education Article.

(f) “Unit of county government” includes:

- (1) A local health department; or
- (2) A local environmental department.

9–2203.

(a) On or after July 1, 2020, a person may not sell or offer for sale in the State an expanded polystyrene food service product.

(b) On or after July 1, 2020, a food service business or school may not sell or provide food or beverages in an expanded polystyrene food service product.

(c) This section does not prohibit a person from storing a food service product for later distribution outside the State.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.