

SENATE BILL 840

M3

0lr3215
CF HB 1442

By: **Senator Hershey**

Introduced and read first time: February 3, 2020

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2020

CHAPTER _____

1 AN ACT concerning

2 **Environment – Expanded Polystyrene Food Service Products – Definition**

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

7 BY repealing and reenacting, with amendments,

8 Article – Environment

9 Section 9–2201

10 Annotated Code of Maryland

11 (2014 Replacement Volume and 2019 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Environment

14 Section 9–2203

15 Annotated Code of Maryland

16 (2014 Replacement Volume and 2019 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Environment**

20 9–2201.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

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

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

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

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

15 (i) Food containers;

16 (ii) Plates;

17 (iii) Hot and cold beverage cups;

18 (iv) Trays; and

19 (v) Cartons for eggs or other food.

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

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

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

25 (iii) Nonfoam polystyrene food service products; OR

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

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

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

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

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

7 (e) “School” includes:

8 (1) A public elementary or secondary school;

9 (2) A nonpublic elementary or secondary school; and

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

12 (f) “Unit of county government” includes:

13 (1) A local health department; or

14 (2) A local environmental department.

15 9–2203.

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

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
23 1, 2020.