

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 840

(Senator Hershey)

Education, Health, and Environmental Affairs

Environment and Transportation and
Economic Matters

Environment - Expanded Polystyrene Food Service Products - Definition

This bill alters the definition of “expanded polystyrene food service product” to exclude (1) cartons for eggs that are shipped into the State for packaging or (2) cartons of eggs that have been packaged within the State for sale within the State. As a result, these egg cartons are no longer subject to restrictions on the sale of expanded polystyrene food service products that take effect July 1, 2020. **The bill takes effect June 1, 2020.**

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations.

Local Effect: The bill does not materially affect local finances or operations.

Small Business Effect: Minimal.

Analysis

Current Law: Chapters 579 and 580 of 2019 prohibit, beginning July 1, 2020, (1) a person from selling or offering for sale in the State an “expanded polystyrene food service product” and (2) a “food service business” or school from selling or providing food or beverages in an expanded polystyrene food service product. A “unit of county government” must enforce these prohibitions and may impose a monetary penalty for violations under specified conditions.

“Expanded polystyrene food service product” means a product made of “expanded polystyrene” that is (1) used for selling or providing food or beverages and

(2) intended by the manufacturer to be used once for eating or drinking or generally recognized by the public as an item to be discarded after one use. “Expanded polystyrene food service product” includes food containers, plates, hot and cold beverage cups, trays, and cartons for eggs or other food. “Expanded polystyrene food service product” does *not* include (1) food or beverages that have been packaged in expanded polystyrene containers before receipt by a food service business; (2) a product made of expanded polystyrene that is used to package raw, uncooked, or butchered meat, fish, poultry, or seafood; or (3) nonfoam polystyrene food service products.

A “food service business” is a business in the State that sells or provides food or beverages for consumption both on or off premises and includes a business or institutional cafeteria, including a cafeteria operated by or on behalf of the State or a local government.

A “unit of county government” includes a local health department or a local environmental department.

A person is not prohibited from storing a food service product for later distribution outside the State. A county, municipality, or other local government may enact standards that are at least as stringent as current law provisions. The Maryland Department of the Environment (MDE) may grant to a food service business or school a waiver from the prohibition for up to one year if MDE determines that compliance would present an undue hardship or a practical difficulty that is not generally applicable to other food service businesses or schools in similar circumstances.

Background: Chapters 579 and 580 also required MDE to conduct a public outreach and education campaign. As a result, MDE sent emails to more than 400 food service business and associations, colleges, universities, health care facilities, chambers of commerce, local government officials, and members of the Maryland General Assembly regarding the new law. More information regarding the ban can be found on MDE’s [website](#).

Additional Information

Prior Introductions: None.

Designated Cross File: HB 1442 (Delegate Jacobs, *et al.*) - Environment and Transportation and Economic Matters.

Information Source(s): Baltimore City; Montgomery and Prince George’s counties; Maryland Association of Counties; City of Bowie; Maryland Association of County Health Officers; Maryland Municipal League; Maryland State Department of Education;

University System of Maryland; Morgan State University; St. Mary's College of Maryland;
Maryland Department of the Environment; Department of Legislative Services

Fiscal Note History: First Reader - February 14, 2020
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