

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 296 (Delegate Love, *et al.*)

Economic Matters and Environment and
Transportation

Environment - Single-Use Plastic Straws - Use in a Food Service Business

This bill prohibits, beginning January 1, 2021, a “food service business” from providing a single-use plastic straw to a customer dining in the food service business, unless the customer requests a straw. This prohibition does not apply to (1) beverages provided by a food service business at a drive-through window; (2) prepackaged beverage products available at a food service business; or (3) beverages that a customer at a food service business serves themselves, as specified.

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. It is assumed that any affected State cafeterias can implement the bill with existing resources.

Local Effect: Expenditures for local health departments (LHDs) may increase minimally to enforce the bill, as discussed below. It is assumed that any affected local government cafeterias can implement the bill with existing resources. 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 food service businesses can implement the bill without a material disruption to their operations.

Analysis

Bill Summary: A “food service business” means a business in the State that sells or provides food and beverages or beverages only for consumption on or off the premises. The term includes a business or institutional cafeteria, including a cafeteria operated by or on behalf of the State or a local government.

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 Oregon and California, along with numerous cities, including Seattle, Los Angeles, 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, restaurants and food service facilities may only use compostable and/or reusable straws and stirrers when serving and selling food or beverages.

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 prohibition. 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.

Additional Information

Prior Introductions: HB 134 of 2019, a similar bill, was referred to the House Economic Matters Committee and the House Environment and Transportation Committee but was subsequently withdrawn.

Cross File: None.

Information Source(s): Baltimore City; Montgomery and Worcester counties; City of Laurel; Baltimore City Community College; Maryland Association of County Health Officers; University of Maryland Medical System; University System of Maryland; Maryland Department of the Environment; Maryland Department of Health; Department of Public Safety and Correctional Services; National Geographic; Washington, DC Department of Energy and Environment; Department of Legislative Services

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