

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1240
Economic Matters

(Frederick County Delegation)

Education, Health, and Environmental Affairs

Frederick County - Alcoholic Beverages - Stadium License

This bill repeals the authorization for the license holder of a stadium license in Frederick County to sell beer and wine in styrofoam containers on the licensed premises to conform with existing State law banning specified uses of expanded polystyrene food service products. **The bill takes effect July 1, 2021.**

Fiscal Summary

State Effect: None.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Chapters 579 and 580 of 2019 prohibit (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 (*e.g.*, a local health department or a local environmental department) 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 products include food containers, plates, hot and cold beverage cups, trays, and cartons for eggs or other food. Expanded polystyrene

food service products do 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.

Stadium License

There is a stadium license in Frederick County. The Frederick County Board of License Commissioners is authorized to issue the license to the owner of a professional baseball team franchise. The license authorizes the license holder, at the stadium in which the baseball team plays its home games, to sell beer and wine (1) in plastic, styrofoam, or paper containers on the licensed premises; (2) for on-premises consumption; and (3) to an individual present at an event held in the stadium. The license holder may sell alcoholic beverages from the time the stadium opens for the event until the event ends. The license holder is prohibited from allowing an individual to (1) carry any alcoholic beverage onto the licensed premises; or (2) carry any alcoholic beverage from the licensed premises. The annual license fee is \$2,000.

Additional Comments: Although foam cups and plates are often referred to as “Styrofoam®,” that terminology is incorrect. Styrofoam® is actually a registered trademark of Dow Chemical Company and is a brand generally used in industrial settings for building materials and pipe insulation. Styrofoam® is not used in the food service industry for cups, coolers, or packaging materials that are generally made of expanded polystyrene.

Frederick County is home to Harry Grove Stadium.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 693 (Senator Young) - Education, Health, and Environmental Affairs.

Information Source(s): Frederick County; Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2021
an/tso Third Reader - March 22, 2021

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