

# HOUSE BILL 135

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2lr0628

(PRE-FILED)

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By: **Delegate Love**

Requested: October 4, 2021

Introduced and read first time: January 12, 2022

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Single-Use Plastics – Restrictions**

3 FOR the purpose of prohibiting, beginning on a certain date, a food service business from  
4 providing certain single-use food or beverage products to a customer ordering  
5 carryout or delivery from or dining inside the food service business unless the  
6 customer requests or accepts an offer for the single-use products; requiring a food  
7 service business to maintain a limited stock of single-use plastic straws to  
8 accommodate the physical or medical needs of an individual; authorizing a food  
9 service business to submit a request to a governmental entity for a waiver; and  
10 generally relating to the use of single-use plastics.

11 BY adding to

12 Article – Environment

13 New part designation “Part I. Labeling of Biodegradable and Compostable Plastic  
14 Products” to immediately precede Section 9-2101; and Section 9-2108  
15 through 9-2110 to be under the new part “Part II. Single-Use Food or  
16 Beverage Products”

17 Annotated Code of Maryland

18 (2014 Replacement Volume and 2021 Supplement)

19 BY repealing and reenacting, without amendments,

20 Article – Environment

21 Section 9-2101(a)

22 Annotated Code of Maryland

23 (2014 Replacement Volume and 2021 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article – Environment

26 Section 9-2101(h) and 9-2105

27 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2014 Replacement Volume and 2021 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the new part designation “Part I. Labeling of Biodegradable and Compostable Plastic Products” be added to immediately precede Section 9–2101 of Article – Environment of the Annotated Code of Maryland.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

### Article – Environment

9–2101.

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

(h) (1) “Food or beverage product” means a product that is:

(i) Used for food and drink; and

(ii) Made of plastic or paper with a plastic coating.

(2) “Food or beverage product” includes:

(i) Containers, **INCLUDING CONDIMENT PACKAGES;**

(ii) Food service ware and utensils; [and]

(iii) Straws and lids;

**(IV) LID PLUGS AND STOPPERS; AND**

**(V) STIRRERS.**

**(3) “FOOD OR BEVERAGE PRODUCT” DOES NOT INCLUDE SMALL CONTAINERS AND LIDS FOR CONDIMENTS THAT ARE FILLED ON–SITE BY A FOOD SERVICE BUSINESS.**

9–2105.

(a) A person that violates this [subtitle] PART is subject to:

(1) For a first violation, a civil penalty of \$500;

(2) For a second violation, a civil penalty of \$1,000; and

1           (3) For a third and subsequent violation, a civil penalty of \$2,000.

2           (b) Any penalties collected under this section shall be paid to the county,  
3 municipality, or other local government that brought the enforcement action.

4 **9-2106. RESERVED.**

5 **9-2107. RESERVED.**

6                           **PART II. SINGLE-USE FOOD OR BEVERAGE PRODUCTS.**

7 **9-2108.**

8           **(A) IN THIS PART, “FOOD SERVICE BUSINESS” MEANS A BUSINESS IN THE**  
9 **STATE THAT SELLS OR PROVIDES FOOD AND BEVERAGES OR BEVERAGES ONLY FOR**  
10 **CONSUMPTION ON OR OFF THE PREMISES.**

11           **(B) “FOOD SERVICE BUSINESS” INCLUDES A BUSINESS OR INSTITUTIONAL**  
12 **CAFETERIA, INCLUDING A CAFETERIA OPERATED BY OR ON BEHALF OF THE STATE**  
13 **OR A LOCAL GOVERNMENT.**

14 **9-2109.**

15           **(A) THIS SECTION DOES NOT APPLY TO:**

16                           **(1) FOOD OR BEVERAGE PRODUCTS THAT ARE PROVIDED BY A FOOD**  
17 **SERVICE BUSINESS AT A DRIVE-THROUGH WINDOW;**

18                           **(2) PREPACKAGED BEVERAGE PRODUCTS AVAILABLE AT A FOOD**  
19 **SERVICE BUSINESS;**

20                           **(3) FOOD OR BEVERAGE PRODUCTS THAT CUSTOMERS AT A FOOD**  
21 **SERVICE BUSINESS SERVE THEMSELVES, INCLUDING BEVERAGES FROM**  
22 **SELF-SERVICE REFRIGERATED COOLERS AND BEVERAGE DISPENSERS;**

23                           **(4) LIDS; OR**

24                           **(5) CONDIMENTS AND CONDIMENT CONTAINERS AND LIDS THAT**  
25 **CUSTOMERS AT A FOOD SERVICE BUSINESS SERVE THEMSELVES.**

26           **(B) BEGINNING JANUARY 1, 2023, A FOOD SERVICE BUSINESS MAY NOT**  
27 **PROVIDE ANY OF THE FOLLOWING SINGLE-USE FOOD OR BEVERAGE PRODUCTS TO**  
28 **A CUSTOMER ORDERING CARRYOUT OR DELIVERY FROM OR DINING INSIDE THE**  
29 **FOOD SERVICE BUSINESS UNLESS THE CUSTOMER REQUESTS OR ACCEPTS AN OFFER**

1 **FOR:**

2 (1) **CONDIMENTS;**

3 (2) **LID PLUGS AND STOPPERS;**

4 (3) **STIRRERS;**

5 (4) **STRAWS; OR**

6 (5) **UTENSILS.**

7 (C) **EVERY FOOD SERVICE BUSINESS SHALL MAINTAIN A LIMITED STOCK OF**  
8 **SINGLE-USE PLASTIC STRAWS TO ACCOMMODATE THE PHYSICAL OR MEDICAL**  
9 **NEEDS OF AN INDIVIDUAL, IN COMPLIANCE WITH FEDERAL, STATE, AND LOCAL**  
10 **LAWS AND REGULATIONS.**

11 (D) **THIS SECTION DOES NOT AFFECT THE AUTHORITY OF A COUNTY,**  
12 **MUNICIPALITY, OR OTHER LOCAL GOVERNMENT TO ENACT OR ENFORCE**  
13 **REQUIREMENTS FOR THE SINGLE-USE FOOD OR BEVERAGE PRODUCTS LISTED**  
14 **UNDER SUBSECTION (B) OF THIS SECTION THAT ARE MORE STRINGENT THAN THE**  
15 **REQUIREMENTS OF THIS SECTION.**

16 (E) (1) **A FOOD SERVICE BUSINESS MAY SUBMIT A REQUEST TO A**  
17 **GOVERNMENTAL ENTITY UNDER § 9-2110(A) OF THIS SUBTITLE FOR A WAIVER**  
18 **FROM THE REQUIREMENTS OF THIS PART.**

19 (2) **A GOVERNMENTAL ENTITY UNDER § 9-2110(A) OF THIS SUBTITLE**  
20 **MAY GRANT A FOOD SERVICE BUSINESS A WAIVER FOR UP TO 3 MONTHS FROM THE**  
21 **REQUIREMENTS OF THIS PART IF COMPLIANCE UNDER THIS PART WOULD CAUSE**  
22 **UNDUE HARDSHIP UNIQUE TO THAT FOOD SERVICE BUSINESS.**

23 (3) **A FOOD SERVICE BUSINESS MAY NOT RECEIVE MORE THAN TWO**  
24 **WAIVERS.**

25 **9-2110.**

26 (A) **THIS PART MAY BE ENFORCED BY:**

27 (1) **THE DEPARTMENT;**

28 (2) **A UNIT OF LOCAL GOVERNMENT THAT HAS THE AUTHORITY TO**  
29 **INSPECT FOOD SERVICE BUSINESSES; OR**

1           **(3) THE ATTORNEY GENERAL.**

2           **(B) A FOOD SERVICE BUSINESS THAT VIOLATES THIS PART IS SUBJECT TO:**

3           **(1) FOR A FIRST VIOLATION, A WARNING; AND**

4           **(2) FOR A SECOND OR SUBSEQUENT VIOLATION MORE THAN 3**  
5 **MONTHS AFTER THE WARNING UNDER PARAGRAPH (1) OF THIS SUBSECTION, A CIVIL**  
6 **PENALTY OF UP TO \$200 PER VIOLATION BUT NOT MORE THAN ONE CIVIL PENALTY**  
7 **WITHIN A 7-DAY PERIOD.**

8           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2022.