

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2019, Legislative Day No. 2

Bill No. 5-19

Introduced by Ms. Rodvien, Ms. Lacey, Mr. Pruski, and Ms. Pickard

By the County Council, January 22, 2019

Introduced and first read on January 22, 2019
Public Hearing set for and held on February 19, 2019
Bill Expires April 27, 2019

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Licensing – Food Service Facilities – Polystyrene Food
2 Service Products

3
4 FOR the purpose of prohibiting the use and sale of expanded polystyrene products at food
5 service facilities located in the County; providing for a penalty for violations; requiring
6 the County to conduct a certain education and outreach campaign; providing for the
7 effective dates of this Ordinance; and generally relating to food service facilities.

8
9 BY adding: § 11-6-103
10 Anne Arundel County Code (2005, as amended)

11
12 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
13 That Sections(s) of the Anne Arundel County Code (2005, as amended) read as follows:

ARTICLE 11. LICENSES

TITLE 6. FOOD SERVICE FACILITIES

19 11-6-103. Polystyrene Foam Products.

20
21 (A) **Definitions.** IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS
22 INDICATED.

23
24 (1) "EXPANDED POLYSTYRENE" MEANS BLOWN POLYSTYRENE AND EXPANDED
25 AND EXTRUDED FOAMS THAT ARE THERMOPLASTIC PETROCHEMICAL MATERIALS
26 UTILIZING A STYRENE MONOMER AND PROCESSED BY A NUMBER OF TECHNIQUES,
27 INCLUDING FUSION OF POLYMER SPHERES OR EXPANDABLE BEAD POLYSTYRENE,

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.

1 INJECTION MOLDING, FOAM MOLDING, AND EXTRUSION-BLOW MOLDING OR EXTRUDED
2 FOAM POLYSTYRENE.

3
4 (2) "EXPANDED POLYSTYRENE FOOD SERVICE PRODUCTS" MEANS FOOD
5 CONTAINERS OR SERVICE WARE, INCLUDING DISHES, HOT AND COLD BEVERAGE CUPS,
6 TRAYS, CARTONS FOR EGGS AND OTHER FOODS, PREPARED FOOD OR LEFTOVER
7 CONTAINERS, AND OTHER PRODUCTS MADE OF EXPANDED POLYSTYRENE AND USED FOR
8 SELLING, PROVIDING, OR SERVING FOOD THAT ARE INTENDED BY THE MANUFACTURER
9 TO BE USED ONCE FOR EATING OR DRINKING OR GENERALLY RECOGNIZED BY THE PUBLIC
10 AS ITEMS TO BE DISCARDED AFTER ONE USE.

11
12 (3) "FOOD SERVICE BUSINESS" MEANS A FULL-SERVICE RESTAURANT, LIMITED-
13 SERVICE RESTAURANT, FAST FOOD RESTAURANT, CAFE, DELICATESSEN, COFFEE SHOP,
14 SUPERMARKET, GROCERY STORE, COMMERCIAL RETAILER WITH GROCERY
15 DEPARTMENTS OR FOOD SERVICE, VENDING TRUCK OR CART, FOOD TRUCK, BUSINESS OR
16 INSTITUTIONAL CAFETERIA, INCLUDING THOSE OPERATED BY OR ON BEHALF OF COUNTY
17 DEPARTMENTS AND AGENCIES, AND OTHER BUSINESSES SELLING OR PROVIDING FOOD
18 WITHIN THE COUNTY FOR CONSUMPTION ON OR OFF THE PREMISES.

19
20 (B) **Prohibition on use of expanded polystyrene food service products.** A FOOD
21 SERVICE BUSINESS MAY NOT PROVIDE FOOD IN EXPANDED POLYSTYRENE FOOD SERVICE
22 PRODUCTS, REGARDLESS OF WHERE THE FOOD WILL BE CONSUMED. THIS PROHIBITION
23 DOES NOT APPLY TO FOOD OR BEVERAGES FILLED AND SEALED IN EXPANDED
24 POLYSTYRENE CONTAINERS OUTSIDE OF THE COUNTY PRIOR TO RECEIPT BY A FOOD
25 SERVICE BUSINESS OR TO MATERIALS USED TO PACKAGE RAW, UNCOOKED, OR
26 BUTCHERED MEAT, FISH, POULTRY, OR SEAFOOD FOR OFF-PREMISES CONSUMPTION.

27
28 (C) **Prohibition on sale.** A FOOD SERVICE BUSINESS MAY NOT SELL OR OFFER FOR
29 SALE EXPANDED POLYSTYRENE FOOD SERVICE PRODUCTS.

30
31 (D) **Violations.** IT IS A CLASS E CIVIL OFFENSE TO VIOLATE ANY PROVISION OF THIS
32 SECTION. A FOOD SERVICE BUSINESS SHALL BE ENTITLED TO A WARNING FOR THE FIRST
33 OFFENSE.

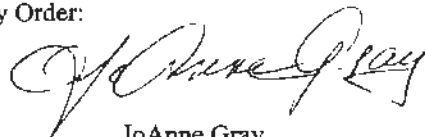
34
35 SECTION 2. *And be it further enacted,* That no later than 180 days after the effective
36 date of this Ordinance, the Health Department, in conjunction with the Department of
37 Public Works, shall begin a public education and outreach campaign that includes the
38 distribution of information through the County website and news releases to assist
39 businesses with the ban on polystyrene foam products.

40
41 SECTION 3. *And be it further enacted,* That the provisions of Section 1 of this
42 Ordinance shall take effect one year from the date it becomes law.

43
44 SECTION 4. *And be it further enacted,* That, except as provided in Section 3 of this
45 Ordinance, this Ordinance shall take effect 45 days from the date it becomes law.


READ AND PASSED this 19th day of February, 2019

By Order:

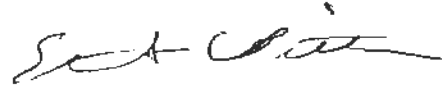


JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 21st day of February, 2019


JoAnne Gray
Administrative Officer

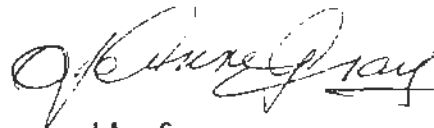
APPROVED AND ENACTED this 28 day of February, 2019


Stuart Pittman
County Executive

EFFECTIVE DATE: **APR 14 2019**

*EFFECTIVE DATE OF SECTION 1: **FEB 28 2020**

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO. 5-19 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES OF THE COUNTY COUNCIL.


JoAnne Gray
Administrative Officer