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

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

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

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

ARTICLE 11. LICENSES

TITLE 6. FOOD SERVICE FACILITIES

11-6-103. Polystyrene Foam Products.

(A) Definitions. In this section, the following words have the meanings indicated.

(1) "EXPANDED POLYSTYRENE" MEANS BLOWN POLYSTYRENE AND EXPANDED
AND EXTRUDED FOAMS THAT ARE THERMOPLASTIC PETROCHEMICAL MATERIALS
UTILIZING A STYRENE MONOMER AND PROCESSED BY A NUMBER OF TECHNIQUES,
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.
INJECTION MOLDING, FOAM MOLDING, AND EXTRUSION-BLOW MOLDING OR EXTRUDED FOAM POLYSTYRENE.

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

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

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

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

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

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

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

SECTION 4. And be it further enacted, That, except as provided in Section 3 of this 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:

[Signature]

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 28th day of February, 2019

Steuart Pitman
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