

CORRECTED BILL

Clerk's Note: Section numbers have been corrected at Lines 4 and 46 of the Bill.

Bill No. 32-20
Concerning: Solid Waste (Trash) – Waste Reduction/Source Reduction and Single-Use Straws - Requirements
Revised: 11/09/2020 Draft No. 3
Introduced: July 21, 2020
Enacted: December 8, 2020
Executive: December 21, 2020
Effective: Section 1 effective December 21, 2021; Section 3 effective March 22, 2021
Sunset Date: None
Ch. 39, Laws of Mont. Co. 2020

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President at the Request of the County Executive

AN ACT to:

- (1) ~~[[establish a program for waste reduction/source reduction in Montgomery County;~~
- (2) ~~provide criteria for waste reduction/source reduction initiatives and programs;~~
- (3) ~~set forth the method by which the program is established;~~
- (4)]] ~~prohibit the distribution of single-use straws except in certain circumstances; and~~
- ~~[[5)]] (2) provide for education relating to straws.~~

By adding

Montgomery County Code
Chapter 48, Solid Waste (Trash)
Article VII, Waste Reduction/Source Reduction
Sections 48-59~~[[.]]~~ and 48-60~~[[, 48-61, and 48-62]]~~

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Article VII (Sections 48-59[[,]] and 48-60[[, 48-61, and 48-62]]) of**
2 **Chapter 48 is added as follows:**

3 **ARTICLE VII. WASTE REDUCTION/SOURCE REDUCTION**

4 **[[48-59.]] 48-63. Definition.**

5 In this Article[[,]]:

6 [[food service]] *Food service* business means a full-service restaurant,
7 limited-service restaurant, fast food restaurant, café, delicatessen, coffee
8 shop, supermarket, grocery store, vending truck or cart, food truck,
9 business or institutional cafeteria, including those operated by or on
10 behalf of County departments and agencies, and other business selling or
11 providing food within the County for consumption on or off the premises.

12 *Home compostable* means a material that has the ability to completely
13 biodegrade in an outdoor, non-industrial environment, leaving no toxic
14 substances or residue. *Home compostable* includes products that meet
15 the OK Compost Home certification standard adopted by Vincotte.

16 *Marine degradable* means a material that has the ability to completely
17 biodegrade under marine environmental conditions including marine
18 waters or marine sediments, leaving no toxic substances or residue.

19 **[[48-60. Waste reduction/source reduction program.**

20 (a) The County Executive must develop an ongoing waste reduction
21 program.

22 (b) Under the waste reduction program, the County must:

23 (1) continue the goals and objectives established in the County waste
24 reduction hierarchy and policies;

25 (2) organize a program of activities to reduce waste; and

26 (3) search for opportunities to incorporate waste reduction into
27 ongoing and future efforts.]]

28 **[[48-61. Regulations.**

29 (a) The County Executive may adopt regulations to implement this Article
30 under Method (1).

31 (b) The regulations may:

32 (1) prohibit the use, distribution, or sale of certain products or
33 materials to reduce the amount of waste generated; and

34 (2) require the use of environmentally preferable products or materials
35 instead of conventional alternatives. The basis of determining
36 prohibitions on use, sale, and requirements for environmentally
37 preferable alternatives may include:

38 (A) evaluation of the amount of the product or material present
39 in the waste stream;

40 (B) analysis of the detrimental impacts on the environment of
41 the product or material; and

42 (C) establishment that alternative products or materials exist
43 that cause less environmental impact, are affordable, are
44 comparable in function, and capable of fulfilling the same
45 needs as other conventional products or materials.]]

46 **[[48-62]] [[48-60.]] 48-64. Source reduction of specific materials - Straws.**

47 (a) Information posting required. A food service business must post
48 information that:

49 (1) plastic straws will no longer be provided to a customer, except
50 [[where]] as necessary to [[accommodate a medical or disability-

51 related need of that customer]] comply with local, state, or federal
 52 disability rights laws; and

53 (2) the food service business will provide to a customer, upon request
 54 of the customer, a plastic straw to accommodate a medical or
 55 disability-related need of the customer, without requiring the
 56 customer to disclose any disability-related or medical information.

57 (b) Certain straws prohibited.

58 (1) Except as provided in subsection (c)[[,]] a food service business:

59 (A) must not provide a plastic straw to a customer; and [[.
 60 Straws provided to customers must be]]

61 (B) may provide a reusable, [[or]] home compostable, or marine
 62 degradable straw to a customer only upon the customer’s
 63 request.

64 (2) Reusable, [[or]] home compostable, or marine degradable straws
 65 include straws made of paper, [[polylactic acid (PLA),]] bamboo,
 66 silicone, or stainless steel.

67 (c) Exemptions.

68 (1) [[Upon request, a food service business must provide a plastic
 69 straw to a customer where it is necessary to accommodate a
 70 medical or disability-related need of that customer.]] A food
 71 service business:

72 (A) must keep a limited supply of plastic straws available to
 73 customers to comply with local, state, or federal disability
 74 rights laws;

75 (B) must provide a plastic straw to a customer who requests one
 76 under this paragraph; and

77 (C) must not inquire into the nature of the disability or medical
 78 information of the customer.

79 (2) A food service business may provide a reusable, home
 80 compostable, or marine degradable straw:

81 (A) in a self-serve straw dispenser; and

82 (B) to a customer who is ordering food for carryout, delivery, or
 83 drive-thru sales.

84 (3) If the Executive determines that there is no available home
 85 compostable alternative to a plastic straw for a particular use, the
 86 Executive may waive the requirements of this Section. The
 87 Executive may rescind any wavier granted under this Section when
 88 an acceptable alternative has become available.

89 (d) Outreach and education campaign. The Department must implement a
 90 public outreach and education campaign before and during
 91 implementation of the provisions of this Article. In developing
 92 educational materials, DEP will consult with the Commission on People
 93 with Disabilities.


94 **Sec. 2. Effective [[Date]] Dates.**

95 [[Sections 48-59, 48-60, and 48-61 take effect 91 days after this Act becomes
 96 law. Section 48-62]] Section 1 of this Act takes effect 12 months after this Act becomes
 97 law. Section 3 of this Act takes effect 91 days after this Act becomes law.

98 **Sec. 3. Transition Period.**

99 On or after May 1, 2021, a restaurant must not provide a straw to a dine-in
 100 customer except: (1) upon the request of the customer; or (2) in a self-serve straw
 101 dispenser.

Approved:



Tom Hucker, President, County Council
12/9/2020
Date

Approved:



Marc Elrich, County Executive
12/21/2020
Date

This is a correct copy of Council action.



Selena Mendy Singleton, Esq., Clerk of the Council
12/21/2020
Date