CORRECTED BILL

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

Bill No. 32-20
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]]

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Article VII (Sections 48-59[[,]], and 48-60[[, 48-61, and 48-62]]) of Chapter 48 is added as follows:

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

[[48-59.]] 48-63. Definition. In this Article[[,]]:

[[food service]] **Food service** business means a full-service restaurant, limited-service restaurant, fast food restaurant, café, deli, coffee shop, supermarket, grocery store, vending truck or cart, food truck, business or institutional cafeteria, including those operated by or on behalf of County departments and agencies, and other business selling or providing food within the County for consumption on or off the premises. **Home compostable** means a material that has the ability to completely biodegrade in an outdoor, non-industrial environment, leaving no toxic substances or residue. **Home compostable** includes products that meet the OK Compost Home certification standard adopted by Vincotte. **Marine degradable** means a material that has the ability to completely biodegrade under marine environmental conditions including marine waters or marine sediments, leaving no toxic substances or residue.

[[48-60.]] Waste reduction/source reduction program. (a) The County Executive must develop an ongoing waste reduction program.

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

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

(2) organize a program of activities to reduce waste; and
search for opportunities to incorporate waste reduction into ongoing and future efforts.]

[[48-61. Regulations.]]

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

(b) The regulations may:

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

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

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

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

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

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

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

(1) plastic straws will no longer be provided to a customer, except

   [[where]] as necessary to [[accommodate a medical or disability-]
related need of that customer] comply with local, state, or federal
disability rights laws; and

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

(b) Certain straws prohibited.

(1) Except as provided in subsection (c)[,] a food service business:
(A) must not provide a plastic straw to a customer; and [,
  Straws provided to customers must be]
(B) may provide a reusable, [[or]] home compostable, or marine
degradable straw to a customer only upon the customer’s
  request.

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

(c) Exemptions.

(1) [[Upon request, a food service business must provide a plastic
straw to a customer where it is necessary to accommodate a
medical or disability-related need of that customer.]] A food
service business:
(A) must keep a limited supply of plastic straws available to
  customers to comply with local, state, or federal disability
  rights laws;
(B) must provide a plastic straw to a customer who requests one
  under this paragraph; and
(C) must not inquire into the nature of the disability or medical information of the customer.

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

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

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

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

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

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

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

Sec. 3. Transition Period.

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

[Signature] 12/9/2020
Tom Hucker, President, County Council

Approved:

[Signature] 12/21/2020
Marc Elrich, County Executive

This is a correct copy of Council action.

[Signature] 12/21/2020
Selena Mendy Singleton, Esq., Clerk of the Council