

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2019 Legislative Session

Bill No. CB-52-2019

Chapter No. 44

Proposed and Presented by Council Member Dernoga, Glaros, Ivey, Taveras, Streeter & Hawkins

Introduced by Council Members Dernoga, Glaros, Ivey, Taveras, Streeter, Hawkins,
Turner, Anderson-Walker, Davis and Harrison

Date of Introduction October 22, 2019

BILL

1 AN ACT concerning

2 Non-Compostable Straws and Stirrers Ban

3 For the purpose of providing for legislative intent; providing for certain definitions; prohibiting
4 Food Service businesses or Retail businesses in Prince George's County from selling,
5 distributing, or otherwise providing certain straws and stirrers with certain food or beverage
6 under certain circumstances; providing for certain exemptions; providing for education and
7 outreach; providing for enforcement; providing for certain civil fines and civil penalties;
8 providing for the appropriation of certain funds; and generally relating to non-compostable
9 straws and stirrers.

10 BY adding:

11 SUBTITLE 19. POLLUTION.

12 Sections 19-150, 19-151, 19-152, 19-153, 19-154,
13 19-155, and 19-156,

14 The Prince George's County Code
15 (2015 Edition; 2018 Supplement).

16 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
17 Maryland, that Sections 19-150, 19-151, 19-152, 19-153, 19-154, 19-155, and 19-156 of the
18 Prince George's County Code be and the same are hereby added with the following amendments:

19 **SUBTITLE 19. POLLUTION.**

20 **DIVISION 7. NON-COMPOSTABLE STRAWS AND STIRRERS.**

21 **Sec. 19-150. Legislative Intent.**

1 (a) The County Council adopted the Prince George’s County FY 2017-2026
 2 Comprehensive Ten Year Solid Waste Management Plan on May 2, 2017.

3 (b) The County Solid Waste goals set forth in the Plan are to: concentrate future growth,
 4 prioritize and focus resources, build on strengths and assets, create choice communities, connect
 5 neighborhoods and significant places and protect and value our natural resources. Recycling and
 6 re-use of materials are a significant part of the Plan.

7 (c) There is a growing trend among local jurisdictions to ban or significantly reduce the
 8 use of non-compostable straws and stirrers as a measure towards more sound environmentally
 9 sustainable activities. Plastic straws are a component of roadside and marine litter. Plastic straws
 10 have a detrimental negative impact on the waterways and Oceans. Many of those end up in our
 11 streams and Oceans, polluting the water and killing marine life.

12 (d) Various County watershed protection and environmental organizations have advocated
 13 for reducing or eliminating the use of non-compostable straws and stirrers to help address serious
 14 stream degradation in the County, including the Total Maximum Daily Load (TMDL) for trash
 15 in the Anacostia River.

16 (e) The County Council of Prince George’s County concludes that it is in the public
 17 interest to join in this effort by prohibiting the use of non-compostable straws and stirrers in
 18 Food Service or Retail businesses located in Prince George’s County, under certain
 19 circumstances.

20 **Sec. 19-151. Definitions.**

21 (a) In this Division, the following terms have the meanings indicated.

22 (1) **Compostable** means a non-plastic product or material that will break down into
 23 usable compost, or a plastic product that is home compostable as defined in Section 9-2102
 24 (b)(2), of the Environment Article of the Annotated Code of Maryland, as amended from time to
 25 time.

26 (2) **Department** means the Prince George’s County Department of the Environment.

27 (3) **Director** means the Prince George’s County Director of the Department of the
 28 Environment or their designee.

29 (4) **Food Service business** means a full-service restaurant, limited-service restaurant,
 30 fast food restaurant, café, delicatessen, coffee shop, supermarket, grocery store, vending truck or
 31 cart, food truck, business or institutional cafeteria, including those operated by or on behalf of

1 County departments and agencies, and other business selling or providing food within the
 2 County for consumption on or off the premises.

3 (5) Retail Business means, for the purposes of this Division, the sale of commodities
 4 or goods, usually in small quantities, directly to ultimate consumers.

5 (6) Stirrer means an implement designed for one-time use to mix or blend a liquid or
 6 other substance, including a beverage stick, swizzle stick, or cocktail stirrer.

7 (7) Straw means a drinking tube designed for one-time use to consume a beverage or
 8 other liquid.

9 **Sec. 19-152. Prohibited Acts.**

10 (a) Beginning on July 1, 2020, no Food Service business shall sell, distribute or otherwise
 11 provide a straw or stirrer with food or beverage unless the straw or stirrer is compostable.

12 (b) Beginning on July 1, 2020, no Retail Business shall sell, distribute or otherwise provide
 13 a straw or stirrer directly to ultimate consumers unless the Retail Business also has available for
 14 sale a straw or stirrer that meets the home compostable standard.

15 **Sec. 19-153. Exemptions.**

16 (a) The prohibited acts, as set forth in Section 19-152 of the County Code, shall not apply
 17 to pre-packaged beverages that have a plastic straw affixed during the pre-packaging process and
 18 received by the Food Service or Retail business with the plastic straw attached.

19 (b) The prohibited acts, as set forth in Section 19-152 of the County Code, shall not apply
 20 to reusable straws made from metal, glass, bamboo, silicon, or rigid plastic.

21 (c) The prohibited acts, as set forth in Section 19-152 of the County Code, shall not apply
 22 where it would interfere with accommodation of any individual's physical or medical needs.

23 Each Food Service business shall keep a limited stock of plastic straws available to
 24 accommodate any individual's physical or medical needs and remain compliant with local, State,
 25 and Federal disability rights laws.

26 **Sec. 19-154. Education and Outreach.**

27 (a) The Department shall conduct an education and outreach campaign before and during
 28 implementation of the provisions of this Division. This campaign should include:

29 (1) Informational mailers to and direct contact with affected businesses;

30 (2) Distribution of information through County internet and web-based resources; and

31 (3) News releases and news events.

1 (b) The Department shall collaborate with organizations in the disability community to
 2 inform community members of their right to request a single-use plastic straw in accordance with
 3 Section 19-153(c).

4 **Sec. 19-155. Enforcement.**

5 (a) The Director shall be charged with the enforcement of this Division. The Director shall
 6 not issue fines prior to January 1, 2021.

7 **Sec. 19-156. Civil Fines and Civil Penalties.**

8 (a) The Director may enforce the provisions of this Division through injunctive
 9 proceedings, an action for specific performance, or any other appropriate proceeding. The
 10 Department may partner with inspectors of other departments to address violations, as
 11 determined in this Division. No person or entity shall willfully violate any provision of this
 12 Division. Any person who owns, operates, or manages a Food Service or Retail business and
 13 who knowingly and willfully violates the provisions of this Division is subject to a civil fine.
 14 There is established a graduated civil fine structure for violations of this Division. The violation
 15 of any such prohibited or unlawful act or offense shall be punished with a warning for a first-
 16 time violation, \$250 fine for a second time violation, and by a fine of One Thousand Dollars
 17 (\$1,000) for a third time violation within a twelve-month period. Each day a violation exists is a
 18 separate offense.

19 (b) A Court of competent jurisdiction may impose these civil fines and the suspension of a
 20 violator's use and occupancy permit, as ancillary relief in the injunctive proceedings or as
 21 damages in separate civil proceedings.

22 (c) Funds generated to Prince George's County from the imposition of civil fines and/or
 23 civil penalties pursuant to this Section, shall be appropriated to the Prince George's County
 24 Department of the Environment, Resource Recovery Division, County Recycling Program.

25 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 26 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 27 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 28 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 29 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
 30 Act, since the same would have been enacted without the incorporation in this Act of any such
 31 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,

1 or section.

2 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
3 calendar days after it becomes law.

Adopted this 19th day of November, 2019.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Todd M. Turner
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.