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

AN ACT concerning Non-Compostable Straws and Stirrers Ban

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

BY adding:

SUBTITLE 19. POLLUTION.


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

SUBTITLE 19. POLLUTION.

DIVISION 7. NON-COMPOSTABLE STRAWS AND STIRRERS.

Sec. 19-150. Legislative Intent.
(a) The County Council adopted the Prince George’s County FY 2017-2026 Comprehensive Ten Year Solid Waste Management Plan on May 2, 2017.

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

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

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

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

Sec. 19-151. Definitions.

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

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

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

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

(4) **Food Service business** means a full-service restaurant, limited-service restaurant, fast food restaurant, café, delicatessen, 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 19-155. Enforcement.

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

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

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

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

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

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

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) 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.