

HOUSE BILL 69

M3, C2

11r0630

(PRE-FILED)

By: **Delegate Love**

Requested: September 16, 2020

Introduced and read first time: January 13, 2021

Assigned to: Economic Matters and Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Single-Use Plastics – Restrictions**

3 FOR the purpose of prohibiting, beginning on a certain date, a food service business from
4 providing certain single-use food or beverage products to a certain customer unless
5 requested by the customer; requiring a food service business to maintain a limited
6 stock of certain single-use food or beverage products for certain customers under
7 certain circumstances; providing that this Act does not affect the authority of a
8 county, municipality, or other local government to enact or enforce certain
9 requirements that are more stringent than this Act; prohibiting an owner, an
10 operator, or a manager of a lodging establishment from providing a certain personal
11 cleansing product in a small plastic bottle under certain circumstances; authorizing
12 an owner, an operator, or a manager of a lodging establishment to provide a certain
13 personal cleansing product in a small plastic bottle under certain circumstances;
14 providing for the enforcement of this Act; establishing certain penalties; defining
15 certain terms; altering a certain definition; making conforming changes; providing
16 for the application of this Act; and generally relating to the use of single-use plastics.

17 BY adding to

18 Article – Environment

19 New part designation “Part I. Labeling of Biodegradable and Compostable Plastic
20 Products” to immediately precede Section 9-2101; Section 9-2108 through
21 9-2110 to be under the new part “Part II. Single-Use Food or Beverage
22 Products”; and 9-2113 through 9-2116 to be under the new part “Part III.
23 Personal Cleansing Products”

24 Annotated Code of Maryland

25 (2014 Replacement Volume and 2020 Supplement)

26 BY repealing and reenacting, without amendments,

27 Article – Environment

28 Section 9-2001(a) and (e) and 9-2101(a)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2014 Replacement Volume and 2020 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Environment
5 Section 9–2101(h) and 9–2105
6 Annotated Code of Maryland
7 (2014 Replacement Volume and 2020 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
9 That the new part designation “Part I. Labeling of Biodegradable and Compostable Plastic
10 Products” be added to immediately precede Section 9–2101 of Article – Environment of the
11 Annotated Code of Maryland.

12 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
13 as follows:

14 **Article – Environment**

15 9–2001.

16 (a) In this subtitle the following words have the meanings indicated.

17 (e) “Plastic” means a synthetic material that is made from linking monomers
18 through a chemical reaction to create an organic polymer chain that can be molded or
19 extruded at high heat into various solid forms that retain a defined shape during use by a
20 consumer.

21 9–2101.

22 (a) In this subtitle the following words have the meanings indicated.

23 (h) (1) “Food or beverage product” means a product that is:

24 (i) Used for food and drink; and

25 (ii) Made of plastic or paper with a plastic coating.

26 (2) “Food or beverage product” includes:

27 (i) Containers, **INCLUDING CONDIMENT PACKAGES;**

28 (ii) Food service ware and utensils; **[and]**

29 (iii) Straws and lids;

30 **(IV) LID PLUGS AND STOPPERS; AND**

1 **(V) STIRRERS.**

2 9–2105.

3 (a) A person that violates this [subtitle] **PART** is subject to:

4 (1) For a first violation, a civil penalty of \$500;

5 (2) For a second violation, a civil penalty of \$1,000; and

6 (3) For a third and subsequent violation, a civil penalty of \$2,000.

7 (b) Any penalties collected under this section shall be paid to the county,
8 municipality, or other local government that brought the enforcement action.

9 **9–2106. RESERVED.**

10 **9–2107. RESERVED.**

11 **PART II. SINGLE–USE FOOD OR BEVERAGE PRODUCTS.**

12 **9–2108.**

13 **(A) IN THIS PART, “FOOD SERVICE BUSINESS” MEANS A BUSINESS IN THE**
14 **STATE THAT SELLS OR PROVIDES FOOD AND BEVERAGES OR BEVERAGES ONLY FOR**
15 **CONSUMPTION ON OR OFF THE PREMISES.**

16 **(B) “FOOD SERVICE BUSINESS” INCLUDES A BUSINESS OR INSTITUTIONAL**
17 **CAFETERIA, INCLUDING A CAFETERIA OPERATED BY OR ON BEHALF OF THE STATE**
18 **OR A LOCAL GOVERNMENT.**

19 **9–2109.**

20 **(A) THIS SECTION DOES NOT APPLY TO:**

21 **(1) BEVERAGES THAT ARE PROVIDED BY A FOOD SERVICE BUSINESS**
22 **AT A DRIVE–THROUGH WINDOW;**

23 **(2) PREPACKAGED BEVERAGE PRODUCTS AVAILABLE AT A FOOD**
24 **SERVICE BUSINESS; OR**

25 **(3) BEVERAGES THAT CUSTOMERS AT A FOOD SERVICE BUSINESS**
26 **SERVE THEMSELVES, INCLUDING BEVERAGES FROM SELF–SERVICE REFRIGERATED**

1 COOLERS AND BEVERAGE DISPENSERS.

2 (B) BEGINNING JANUARY 1, 2022, A FOOD SERVICE BUSINESS MAY NOT
3 PROVIDE ANY OF THE FOLLOWING SINGLE-USE FOOD OR BEVERAGE PRODUCTS TO
4 A CUSTOMER ORDERING CARRYOUT FROM OR DINING INSIDE THE FOOD SERVICE
5 BUSINESS UNLESS REQUESTED BY THE CUSTOMER:

6 (1) CONDIMENTS;

7 (2) LIDS;

8 (3) LID PLUGS AND STOPPERS;

9 (4) STIRRERS;

10 (5) STRAWS; OR

11 (6) UTENSILS.

12 (C) EVERY FOOD SERVICE BUSINESS SHALL MAINTAIN A LIMITED STOCK OF
13 SINGLE-USE FOOD OR BEVERAGE PRODUCTS LISTED UNDER SUBSECTION (B) OF
14 THIS SECTION TO ACCOMMODATE THE PHYSICAL OR MEDICAL NEEDS OF AN
15 INDIVIDUAL, IN COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAWS AND
16 REGULATIONS.

17 (D) THIS SECTION DOES NOT AFFECT THE AUTHORITY OF A COUNTY,
18 MUNICIPALITY, OR OTHER LOCAL GOVERNMENT TO ENACT OR ENFORCE
19 REQUIREMENTS FOR THE SINGLE-USE FOOD OR BEVERAGE PRODUCTS LISTED
20 UNDER SUBSECTION (B) OF THIS SECTION THAT ARE MORE STRINGENT THAN THE
21 REQUIREMENTS OF THIS SECTION.

22 9-2110.

23 (A) THIS PART MAY BE ENFORCED BY:

24 (1) THE DEPARTMENT;

25 (2) A UNIT OF LOCAL GOVERNMENT THAT HAS THE AUTHORITY TO
26 INSPECT FOOD SERVICE BUSINESSES; OR

27 (3) THE ATTORNEY GENERAL.

28 (B) A PERSON WHO VIOLATES THIS PART IS SUBJECT TO:

1 **(1) FOR A FIRST VIOLATION, A WARNING; AND**

2 **(2) FOR A SECOND OR SUBSEQUENT VIOLATION, A CIVIL PENALTY OF**
3 **UP TO \$500 BUT NOT EXCEEDING \$2,000 PER PERSON PER YEAR.**

4 **9-2111. RESERVED.**

5 **9-2112. RESERVED.**

6 **PART III. PERSONAL CLEANSING PRODUCTS.**

7 **9-2113.**

8 **(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS**
9 **INDICATED.**

10 **(B) (1) “LODGING ESTABLISHMENT” MEANS AN ESTABLISHMENT THAT:**

11 **(I) CONTAINS ONE OR MORE ROOMS AVAILABLE FOR A FEE;**
12 **AND**

13 **(II) IS USED BY TRANSIENT GUESTS FOR LODGING OR SLEEPING**
14 **PURPOSES.**

15 **(2) “LODGING ESTABLISHMENT” INCLUDES:**

16 **(I) A HOTEL;**

17 **(II) A MOTEL;**

18 **(III) A RESORT;**

19 **(IV) A BED AND BREAKFAST INN; AND**

20 **(V) A VACATION RENTAL UNIT.**

21 **(3) “LODGING ESTABLISHMENT” DOES NOT INCLUDE:**

22 **(I) A HOSPITAL;**

23 **(II) A NURSING HOME;**

1 (III) A RESIDENTIAL RETIREMENT COMMUNITY;

2 (IV) A PRISON OR JAIL;

3 (V) A HOMELESS SHELTER;

4 (VI) A BOARDING SCHOOL;

5 (VII) A LONG-TERM RENTAL UNIT;

6 (VIII) AN EMPLOYEE HOUSING UNIT; OR

7 (IX) A RESIDENTIAL DWELLING UNIT OR A PORTION OF THE
8 UNIT USED FOR LIMITED RESIDENTIAL LODGING.

9 (C) (1) "PERSONAL CLEANSING PRODUCT" MEANS A PRODUCT INTENDED
10 TO BE APPLIED TO OR USED ON THE HUMAN BODY FOR PURPOSES OF CLEANSING.

11 (2) "PERSONAL CLEANSING PRODUCT" INCLUDES:

12 (I) MOUTHWASH;

13 (II) SHAMPOO;

14 (III) HAIR CONDITIONER; AND

15 (IV) BATH SOAP.

16 (D) "PLASTIC" HAS THE MEANING STATED IN § 9-2001 OF THIS TITLE.

17 (E) "SMALL PLASTIC BOTTLE" MEANS A PLASTIC BOTTLE OR CONTAINER
18 THAT:

19 (1) HAS LESS THAN A 6-OUNCE CAPACITY; AND

20 (2) IS INTENDED TO BE NONREUSABLE BY THE END USER.

21 9-2114.

22 THIS PART APPLIES ONLY TO:

23 (1) BEGINNING JANUARY 1, 2024, A LODGING ESTABLISHMENT THAT
24 HAS 51 OR MORE ROOMS USED FOR LODGING OR SLEEPING PURPOSES; AND

1 **(2) ON AND AFTER JANUARY 1, 2025, ALL LODGING**
2 **ESTABLISHMENTS.**

3 **9-2115.**

4 **(A) SUBJECT TO § 9-2114 OF THIS SUBTITLE AND EXCEPT AS PROVIDED IN**
5 **SUBSECTION (B) OF THIS SECTION, AN OWNER, AN OPERATOR, OR A MANAGER OF A**
6 **LODGING ESTABLISHMENT MAY NOT PROVIDE A PERSONAL CLEANSING PRODUCT IN**
7 **A SMALL PLASTIC BOTTLE:**

8 **(1) TO A GUEST STAYING AT THE LODGING ESTABLISHMENT;**

9 **(2) IN ANY PART OF A ROOM USED FOR LODGING OR SLEEPING**
10 **PURPOSES, INCLUDING THE BATHROOM; OR**

11 **(3) IN A BATHROOM THAT IS SHARED BY:**

12 **(I) GUESTS STAYING AT THE LODGING ESTABLISHMENT; OR**

13 **(II) MEMBERS OF THE PUBLIC.**

14 **(B) AN OWNER, AN OPERATOR, OR A MANAGER OF A LODGING**
15 **ESTABLISHMENT MAY PROVIDE TO A GUEST STAYING AT THE LODGING**
16 **ESTABLISHMENT A PERSONAL CLEANSING PRODUCT IN A SMALL PLASTIC BOTTLE IF**
17 **THE PERSONAL CLEANSING PRODUCT IS PROVIDED:**

18 **(1) ON REQUEST OF THE GUEST;**

19 **(2) AT NO COST TO THE GUEST; AND**

20 **(3) IN AN AREA OTHER THAN THE AREAS DESCRIBED UNDER**
21 **SUBSECTION (A)(2) OR (3) OF THIS SECTION.**

22 **9-2116.**

23 **(A) THIS PART MAY BE ENFORCED BY:**

24 **(1) THE DEPARTMENT;**

25 **(2) A UNIT OF LOCAL GOVERNMENT THAT HAS THE AUTHORITY TO**
26 **INSPECT LODGING ESTABLISHMENTS; OR**

1 **(3) THE ATTORNEY GENERAL.**

2 **(B) A PERSON WHO VIOLATES THIS PART IS SUBJECT TO:**

3 **(1) FOR A FIRST VIOLATION, A WARNING; AND**

4 **(2) FOR A SECOND OR SUBSEQUENT VIOLATION, A CIVIL PENALTY OF**
5 **UP TO \$500 BUT NOT EXCEEDING \$2,000 PER PERSON PER YEAR.**

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2021.