

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2024 Legislative Session

Bill No. CB-053-2024

Chapter No. _____

Proposed and Presented by Council Member Oriadha

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Better Bag Bill - Revisions

3 For the purpose of defining certain terms; prohibiting, after a certain date, a retail establishment
4 from providing certain plastic carryout bags to a customer at the point of sale; repealing a certain
5 retail establishment charge; repealing certain exemptions from a certain charge; repealing a certain
6 retail establishment advertisement regarding certain money; repealing a certain designation for
7 certain bags; providing that certain retail establishments indicate on the receipt the number of paper
8 or reusable carryout bags provided and repealing a certain charge; repealing a certain notice of a
9 certain charge; and generally relating to the better bag bill revisions.

10 BY repealing and reenacting:

11 SUBTITLE 19. POLLUTION.

12 Sections 19-163, 19-164,

13 The Prince George's County Code

14 (2023 Edition).

15 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
16 Maryland, that Section 19-163 and 19-164 of the Prince George's County Code be and the same
17 are hereby repealed and reenacted:

18 SUBTITLE 19. POLLUTION.

19 DIVISION 9. PLASTIC BAG REDUCTION.

20 **Sec. 19-163. - Definitions.**

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

1 (1) **Department** means the Prince George's County Department of the Environment.

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

4 (3) **Food Service Facility** has the meaning stated in § 21-301 of the Health - General Article
5 of the Annotated Code of Maryland.

6 (4) (A) **Plastic Carryout Bag** means a plastic bag that is provided by a retail establishment
7 to a customer at the point of sale and is not a reusable carryout bag.

8 (B) **Plastic Carryout Bag** [includes] does not include a compostable plastic bag that
9 meets the specifications of the American Society of Testing and Materials International Standard
10 Specification for Compostable Plastics D6400.

11 (C) **Plastic Carryout Bag** does not include: a plastic bag used to:

12 (i) package bulk items, including fruit, vegetables, nuts, grains, candy, or small
13 hardware items;

14 (ii) contain or wrap frozen foods, meat, or fish, whether prepackaged or not;

15 (iii) contain or wrap flowers, potted plants, or other damp items;

16 (iv) contain unwrapped prepared foods or bakery goods;

17 (v) protect suits, dresses, and formal wear, and bags used to protect dry cleaning;
18 or (vi) take live fish, insects, mollusks, or crustaceans away from the retail establishment.

19 (5) **Retail Establishment** means a store[, a food service facility,] or any other establishment
20 that provides bags to its customers as a result of the sale of a product, or service whether for-profit
21 or not-for-profit.

22 (6) **Reusable Carryout Bag** means a bag with stitched handles that is specifically designed
23 and manufactured for multiple reuse and is made of:

24 (1) cloth or other washable fabric; or

25 (2) a durable material suitable for multiple re-use that is not made of plastic film.

26 **Sec. 19-164. Prohibited Acts; Paper and Reusable Carryout Bag Charge.**

27 (a) After December 31, 2023, a retail establishment may not provide a plastic carryout bag to a
28 customer.

29 (b) [(1) After December 31, 2023, with certain exceptions, a retail establishment shall charge,
30 collect, and retain, at least 10 cents for each paper carryout bag or reusable carryout bag that it
31 provides to a customer.]

1 [(2) The charge for paper carryout bags shall not apply to a paper carryout bag containing
2 prescription medication provided by a pharmacy to a customer.]

3 [(3) The charge for paper carryout bags shall not apply to a paper bag containing prepared
4 food provided at the drive-through window of a restaurant or a paper bag provided by a full-service
5 restaurant after a meal for leftovers.]

6 [(4) A retail establishment may not advertise, hold out, or state to the public or to a customer,
7 directly or indirectly, that any part of the money collected under paragraph (1) of this subsection
8 will be assumed or absorbed by the establishment or refunded to the customer.]

9 [(5) Notwithstanding subsections (1)-(4), above, the Department may designate one week per
10 year when retail establishments may provide reusable bags free of charge as a promotion.]

11 [(6)] (1) A retail establishment shall indicate on the customer transaction receipt the number
12 of paper or reusable carryout bags provided by the establishment. [and the amount charged.]

13 [(7) A retail establishment shall post a notice at the public entrance to the retail establishment
14 or at each point of sale that advises customers to bring reusable carryout bags or to skip the bag
15 and that all carryout bags provided by the retailer are subject to a charge. The notices shall be
16 posted in English and Spanish. The County shall post an example of a notice in English and
17 Spanish on the County website.]

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

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

Adopted this _____ day of _____, 2024.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Jolene Ivey
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

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