

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2023 Legislative Session

Bill No. CB-079-2023

Chapter No.

Proposed and Presented by Council Members Oriadha, Blegay and Burroughs

Introduced by

Co-Sponsors

Date of Introduction

BILL

1 AN ACT concerning

2 Better Bag Bill – Revisions

3 For the purpose of establishing a maximum charge for certain paper and reusable carryout bags
4 provided by a retail establishment, with certain exceptions; establishing a certain supplemental
5 nutrition exception for a maximum charge for certain paper and reusable carryout bags provided
6 by a retail establishment; establishing certain exceptions for a maximum charge for certain
7 reusable carryout bags provided by a retail establishment; and generally relating to the better bag
8 bill revisions.

9 BY repealing and reenacting:

10 SUBTITLE 19. POLLUTION.

11 Section 19-164,

12 The Prince George's County Code

13 (2019 Edition; 2022 Supplement).

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16 repealed and reenacted:

17 SUBTITLE 19. POLLUTION.

18 DIVISION 9. PLASTIC BAG REDUCTION.

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

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

1 (b) (1) After December 31, 2023, with certain exceptions, a retail establishment shall charge,
2 collect, and retain [at least] not more than 10 cents for each paper carryout bag and reusable
3 carryout bag that it provides to a customer.

4 (2) The charge for paper carryout bags and reusable carryout bags shall not apply to a paper
5 bag and reusable carryout bag containing prescription medication provided by a pharmacy to a
6 customer.

7 (3) The charge for paper carryout bags and reusable carryout bags shall not apply to a paper
8 bag and reusable carryout bag containing prepared food provided at the drive-through window of
9 a restaurant or a paper bag and reusable carryout bag provided by a full-service restaurant after a
10 meal for leftovers.

11 (3.1) The charge for paper carryout bags and reusable carryout bags shall not apply to a paper
12 bag and reusable carryout bag for any customer who uses any supplemental nutrition assistance
13 programs, including, but not limited to: state or federal supplemental nutrition assistance programs
14 (SNAP), commonly known as food stamps, food coupons or other type of allotment issued under
15 7 U.S.C.S. §§ 2011-2036, with food instruments, food vouchers, other type of certificate issued
16 under 42 U.S.C.S. § 1786 (Special Supplemental Food Program for Women, Infants, and
17 Children), with Pandemic Electronic Benefit Transfer (P-EBT), 7 CFR 284.1, and with the
18 Summer Electronic Benefit Transfer Program, 42 U.S.C.S. 1762, for any part of the transaction.

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

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

24 (6) A retail establishment shall indicate on the customer transaction receipt the number of
25 paper or reusable carryout bags provided by the establishment and the amount charged.

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

31 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby

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

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

Adopted this ____ day of _____, 2023.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____

BY: _____
Angela D. Alsobrooks
County Executive