

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2023 Legislative Session

Reference No.: CB-032-2023

Draft No.: 2

Committee: TIEE

Date: 4/13/2023

Action: FAV(A)

REPORT:

Committee Vote: Favorable as Amended, 5-0 (In Favor: Council Members Olson, Dernoga, Hawkins, Ivey, and Watson).

The Committee convened on March 23, 2023, and again on April 13, 2023, to discuss this legislation, which prohibits a retail establishment from providing plastic carryout bags to customers. Retail establishments are also required to charge at least 10 cents for each paper carryout bag or reusable bag provided to the customer. The charge cannot be assumed, absorbed, or refunded by the retail establishment to the customer, and the number of bags and the charge must be reflected on the customer's receipt.

A Plastic Carryout Bag is defined as a plastic bag that is provided by a retail establishment to a customer at the point of sale and is not a reusable carryout bag. A Plastic Carryout Bag does not include: a plastic bag used to: (i) package bulk items, including fruit, vegetables, nuts, grains, candy, or small hardware items; (ii) contain or wrap frozen foods, meat, or fish, whether prepackaged or not; (iii) contain or wrap flowers, potted plants, or other damp items; (iv) contain unwrapped prepared foods or bakery goods; (v) contain garments or dry-cleaned clothes; or (vi) take live fish, insects, mollusks, or crustaceans away from the retail establishment. Paper bags containing prescription medication from a pharmacy are exempt from the required charge. One week out of the year retail establishments may provide reusable bags complimentary as a promotion.

Retail establishments may post a sign at each point of sale, visible to customers and employees during a transaction stating the charge for each paper and reusable bag it provides. The Department of the Environment will conduct an education and outreach campaign before and during the implementation of the legislation. The Department will collaborate with community organizations and the business community to inform the public of the legislation's provisions. Violation of the provisions of this legislation is subject to a civil penalty not to exceed \$500, and the provision of one or more plastic carryout bags at a single point of sale is a single violation. The failure to charge the amount of money required under this Bill for the provision of one or more paper or reusable carryout bags at a single point of sale is a single violation. A penalty may not be imposed unless a retail establishment does not correct the violation within seven days after receipt of a written notice of the violation. The Department may grant waivers to retail businesses for up to three months upon determination of undue hardship in complying with the

provisions. No citations with a monetary value will be issued during the first 90 days after the legislation takes effect. The Department will also be required to submit an annual report to the County Executive and the County Council that includes a list of all the enforcement actions taken, and penalties issued regarding these provisions.

The Committee received written and verbal comments from citizens, environmental advocates, municipalities, and the business community. As a result of the testimony, the bill was held in Committee on March 23rd to allow the sponsor to consider amendments. On April 13th, the sponsor proposed amendments requiring the posting of signage regarding the charge for paper and reusable bags at each point of sale; allowing for plastic garment bags in protecting dry-cleaned suits, dresses, and formal wear; adding paper carry-out bags at drive-through windows of restaurants, and paper bags provided at full-service restaurants after the meal for leftovers to the list of exemptions from the 10 cent charge, and; allowing the collaboration of other relevant agencies regarding the issuance of violations and filing actions in the appropriate court of jurisdiction. The April 13th discussion also provided confirmation regarding the authority of municipal governments to enact ordinances that are at least as restrictive as the County law.

After discussion, the Committee voted favorably on CB-32-2023 as amended by a vote of 5-0.