



Prince George's County Council

Agenda Item Summary

Meeting Date: 3/21/2023

Effective Date:

Reference No.: CB-043-2023

Chapter Number:

Draft No.: 1

Public Hearing Date:

Proposer(s): Fisher and Watson

Sponsor(s): Fisher and Watson

Item Title: AN ACT CONCERNING BRING YOUR OWN BAG ACT OF 2023 for the purpose of defining certain terms; prohibiting, on and after a certain date, a retail establishment from distributing certain plastic carryout bags to a customer at the point of sale; providing for education and outreach; establishing a certain maximum civil penalty for a violation of this Act; establishing that the distribution of a certain number of plastic carryout bags at a single point of sale constitutes a single violation; prohibiting the imposition of a penalty under this Act unless certain conditions are met; providing for the enforcement of this Act; providing for a certain waiver; providing for a certain report; providing for conditions for certain citations; permitting the Department of the Environment to adopt certain regulations; providing for the applicability of the Act; and generally relating to one-time use plastic carryout bags.

Drafter: Kathy Canning

Resource Personnel: William C. Corcelius, Chief of Staff

LEGISLATIVE HISTORY:

Date:	Acting Body:	Action:	Sent To:
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AFFECTED CODE SECTIONS:

BACKGROUND INFORMATION/FISCAL IMPACT:

This bill, the Bring Your Own Bag Act of 2023, provides for plastic bag reduction in Prince George's County. On and after January 1, 2025, a retail establishment shall not provide a plastic carryout bag to a customer, with certain exceptions. Retail Establishment means a store, a food service facility, or any other establishment that provides bags to its customers as a result of the sale of a good, product, or service whether for-profit or not-for-profit. A Plastic Carryout Bag means 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. Plastic Carryout Bag includes a compostable plastic bag that meets the specifications of the American Society of Testing and Materials International Standard Specification for compostable plastics D6400. Plastic Carryout Bag does not include: (i) a plastic bag used to: 1. package bulk items, including fruit, vegetables, nuts, grains, candy, or small hardware items; 2. contain or wrap frozen foods, meat, or fish, whether prepackaged or not; 3. contain or wrap flowers, potted plants, or other damp items; 4.

contain unwrapped prepared foods or bakery goods; 5. contain garments or dry-cleaned clothes, including suits, jackets, and dresses; or 6. take live fish, insects, mollusks, or crustaceans away from the retail establishment; or (ii) a plastic bag provided by a food service facility that is necessary to meet food safety and contamination standards. A retail establishment that violates the provisions of this Division is subject to a civil penalty not exceeding \$1000. 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 Division 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 under this section unless a retail establishment: is first issued a written notice of violation; and does not correct the violation within 7 days after receipt of the written notice. A penalty may not be imposed on a retail establishment more than once within a 7-day period.

Document(s): B2023043