

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2023 Legislative Session**

Bill No. CB-043-2023

Chapter No. \_\_\_\_\_

Proposed and Presented by Council Members Fisher and Watson

Introduced by \_\_\_\_\_

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_

**BILL**

1 AN ACT concerning

2 Bring Your Own Bag Act of 2023

3 FOR the purpose of defining certain terms; prohibiting, on and after a certain date, a retail  
4 establishment from distributing certain plastic carryout bags to a customer at the point of sale;  
5 providing for education and outreach; establishing a certain maximum civil penalty for a violation  
6 of this Act; establishing that the distribution of a certain number of plastic carryout bags at a single  
7 point of sale constitutes a single violation; prohibiting the imposition of a penalty under this Act  
8 unless certain conditions are met; providing for the enforcement of this Act; providing for a certain  
9 waiver; providing for a certain report; providing for conditions for certain citations; permitting the  
10 Department of the Environment to adopt certain regulations; providing for the applicability of the  
11 Act; and generally relating to one-time use plastic carryout bags.

12 BY adding:

13 SUBTITLE 19. POLLUTION.

14 Sections 19-162, 19-163, 19-164, 19-165, 19-166,

15 19-167 and 19-168,

16 The Prince George's County Code

17 (2019 Edition; 2022 Supplement).

18 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
19 Maryland, that Sections 19-162, 19-163, 19-164, 19-165, 19-166, 19-167 and 19-168, of the  
20 Prince George's County Code be and the same are hereby added:

21 **SUBTITLE 19. POLLUTION.**

**DIVISION 9. PLASTIC BAG REDUCTION.**

**Sec. 19-162. Definitions.**

In this Division, the following words have the meanings indicated.

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

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

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

(d) **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.

(1) **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.

(2) **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.

(e) **Retail Establishment** means a store, a food service facility, temporary vendor, or any other establishment that provides bags to its customers at the point of sale for the purpose of carrying away purchased goods, products, or services whether for-profit or not-for-profit.

(f) **Reusable Carryout Bag** means a bag with stitched handles that is specifically designed and manufactured for multiple reuses and is made of:

1           (1) cloth or other washable fabric; or

2           (2) a durable material suitable for multiple re-use that is not made of plastic film except  
3 for plastic film that has a thickness greater than 2.6 mils.

4 **Sec. 19-163. Prohibited Acts.**

5           (a) On and after January 1, 2025, a retail establishment shall not provide a plastic carryout  
6 bag to a customer.

7           (b) Nothing in this Division shall prohibit a retail establishment from offering or advertising  
8 a promotion or program that provides an incentive to customers to bring their own reusable  
9 carryout bag, provided that no purchase is necessary to redeem the offer.

10 **Sec. 19-164. Education and Outreach.**

11           (a) The Department shall conduct an education and outreach campaign before and during  
12 implementation of the provisions of this Division. This campaign should include:

13                   (1) informational mailers to and direct contact with affected businesses;

14                   (2) distribution of information through County internet and web-based resources; and

15                   (3) news releases and news events.

16           (b) The Department shall collaborate with organizations in the environmental community to  
17 inform community members of the provisions of this Division.

18 **Sec. 19-165. Penalty; notice of violation.**

19           (a) A retail establishment that violates the provisions of this Division is subject to a civil  
20 penalty not exceeding \$1000.

21           (b) The provision of one or more plastic carryout bags at a single point of sale is a single  
22 violation.

23           (c) The failure to charge the amount of money required under this Division for the provision  
24 of one or more paper or reusable carryout bags at a single point of sale is a single violation.

25           (d) A penalty may not be imposed under this section unless a retail establishment:

26                   (i) is first issued a written notice of violation; and

27                   (ii) does not correct the violation within 7 days after receipt of the written notice.

28           (e) A penalty may not be imposed on a retail establishment more than once within a 7-day  
29 period.

30 **Sec. 19-166. Enforcement; waiver; annual report.**

31           (a) This Division shall be enforced by the Department.

1        (b) The Director or their designee may grant a retail establishment up to two waivers from  
2 the requirements of this Division for a period of up to 3 months for each waiver if the Director  
3 determines that achieving compliance under this Division would cause the retail establishment an  
4 undue hardship or a practical difficulty not generally applicable to other retail establishments in  
5 similar circumstances.

6        (c) The Department shall submit an annual report to the County Executive and County  
7 Council that includes a list of all enforcement actions taken and penalties issued under this  
8 Division.

9        **Sec. 19-167. Citations.**

10        The Department of Environment shall not issue a citation with a monetary penalty for the  
11 first 90 days after the provisions of this Division take effect; however, during this period the  
12 Department may issue a correction notice and shall attempt to educate any non-compliant retail  
13 establishment on the requirements of this Division.

14        **Sec. 19-168. Regulations.**

15        The Department may adopt regulations to implement the provisions of this Division.

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

23        SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)  
24 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

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.