

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2022 Legislative Session

Bill No. CB-014-2022
 Chapter No. 56
 Proposed and Presented by Council Members Glaros, Ivey, and Dernoga
 Introduced by Council Members Glaros, Ivey, Dernoga, Streeter, Turner, Medlock, Hawkins
 Co-Sponsors _____
 Date of Introduction September 20,2022

BILL

1 AN ACT concerning

2 **ACCESSORY DISPOSABLE FOOD SERVICE WARE**

3 For the purpose of providing for certain definitions; providing for certain prohibited acts; providing
 4 for a certain temporary waiver; providing for education and outreach; providing for enforcement;
 5 and generally regarding accessory disposable food service ware.

6 BY adding:

7 **SUBTITLE 19. POLLUTION.**

8 Section 19-157, 19-158, 19-159, 19-160,

9 and 19-161,

10 The Prince George's County Code

11 (2019 Edition; 2021 Supplement).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 13 Maryland, that Sections 19-157, 19-158, 19-159, 19-160, and 19-161, of the Prince George's
 14 County Code be and the same are hereby added:

15 **SUBTITLE 19. POLLUTION.**

16 **DIVISION 8. ACCESSORY DISPOSABLE FOOD SERVICE WARE.**

17 **Sec. 19-157. Definitions.**

18 **(a) Accessory disposable food service ware means straws, utensils, condiment cups and packets,**
 19 **cup sleeves, splash sticks, stirrers, and napkins, designed to be used once and then discarded.**

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

21 **(c) Director means the Prince George's County Director of the Department of the Environment**

1 or their designee.

2 (d) **Food service business** means full-service restaurants, limited-service restaurants, fast food
 3 restaurants, cafes, delicatessens, coffee shops, supermarkets, grocery stores, vending trucks or
 4 carts, food trucks, cafeterias, including those operated by or on behalf of County departments and
 5 agencies, and other entities selling or providing food within the County for consumption on or off
 6 the premises who are providing prepared or ready-to-eat food.

7 (e) **Third-party food ordering platform** means any website, mobile application, or other
 8 internet service that offers or arranges for the sale of food and beverages prepared by, and the
 9 delivery or pickup of food and beverages from, food service businesses.

10 **Sec. 19-158. Prohibited Acts.**

11 (a) By [February 1, 2023] June 1, 2023, food service businesses shall provide accessory
 12 disposable food service ware only upon request by the customer or at a self-serve station. Take-
 13 out or delivery orders shall not include accessory disposable food service ware unless specifically
 14 requested by the customer in person, on the phone, or online.

15 (b) Food service businesses shall provide options for customers to affirmatively request
 16 accessory disposable food service ware across all ordering platforms, including digital platforms,
 17 telephone, and in-person, whether for on-site dining, takeout, or delivery. This Section shall apply
 18 even when a food service business uses a third-party food ordering platform.

19 (c) By August 1, 2023, third-party food ordering platforms shall provide customers the ability to
 20 affirmatively request accessory disposable food service ware, [including] and shall provide a food
 21 service business with the ability to [select the] customize its menu with a list of available accessory
 22 disposable food service ware, and only those specific items [they need] selected by the customer
 23 shall be provided by the food service business.

24 **Sec. 19-159. Temporary Waiver.**

25 The Director may, consistent with this Division, waive any specific requirements of this
 26 Division for a period of up to one year after the effective date of this Act if a food service business
 27 demonstrates that strict application of the requirements would create an undue hardship or practical
 28 difficulty not generally applicable to other food service businesses in similar circumstances.

29 **Sec. 19-160. Education and Outreach.**

30 The County Executive shall designate a unit of County government to conduct an education
 31 and outreach campaign before and during the implementation of this Division by providing

1 information to affected food service businesses and to the public, posting information on the
2 County website, and issuing news releases and holding news events.

3 **Sec. 19-161. Enforcement.**

4 (a) The Director shall be charged with the enforcement of this Division.

5 (b) [No person or entity shall willfully violate any provision of this Division. The violation of
6 any such prohibited or unlawful act or offense, or a misdemeanor, shall be punished with a warning
7 for a first-time violation, \$250 fine for a second time violation, and by a fine of [One Thousand
8 Dollars (\$1,000)] Five Hundred Dollars (\$500) for a third time violation within a twelve-month
9 period.] Any violation of this Division shall be subject to a warning for a first-time violation, a
10 fine of Two Hundred and Fifty Dollars (\$250.00) for a second violation, and a fine of Five Hundred
11 Dollars (\$500.00) for a third violation, within a twelve-month period. The Director shall not
12 impose a fine under this Division before [August 1, 2023] October 1, 2023, to provide time for
13 training staff, updating operating software and regarding other matters relating to the
14 implementation of this Division.

15 (c) The Department of the Environment shall oversee the enforcement of this Division and may
16 partner with inspectors of other departments to address violations, as determined in this Division.

17 (d) The [County Attorney] Director of the Department of the Environment or any affected party
18 may file an action in court with jurisdiction to enjoin violations of this Division.

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

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

Adopted this 24th day of October, 2022.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Calvin S. Hawkins, II
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.