



Prince George's County Council

Agenda Item Summary

Meeting Date: 6/20/2023

Effective Date: 9/1/2023

Reference No.: CB-032-2023

Chapter Number: 44

Draft No.: 4

Public Hearing Date: 06/20/2023 @ 1:30 PM

Proposer(s): Dernoga, Blegay and Olson

Sponsor(s): Dernoga, Blegay, Olson, Fisher, Hawkins, Harrison, Ivey and Watson

Item Title: AN ACT CONCERNING BETTER BAG BILL for the purpose of providing for legislative intent; defining certain terms; prohibiting, after a certain date, a retail establishment from providing certain plastic carryout bags to a customer at the point of sale; establishing a minimum charge for certain paper and reusable carryout bags provided by a retail establishment, with certain exceptions; providing for a certain prohibition on certain advertising; providing for a certain promotion; providing for certain information on a certain receipt; providing for a certain notice; providing for education and outreach; establishing a certain maximum civil penalty for a violation of this Division; establishing that the provision of a certain number of plastic carryout bags at a single point of sale constitutes a single violation; establishing that 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; prohibiting the imposition of a penalty under this Division unless certain conditions are met; providing for the oversight for the enforcement of this Division; providing for filing certain actions; providing for a certain waiver; providing for a certain report; providing for certain citations; permitting the Department of the Environment to adopt certain regulations; providing for the applicability of this Division; and generally relating to one-time use plastic carryout bags.

Drafter: Kathy Canning

Resource Personnel: Hugo Cantu, Policy Analyst

LEGISLATIVE HISTORY:

Date:	Acting Body:	Action:	Sent To:
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03/14/2023	County Council	presented and referred	TIEE
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Action Text:

This Council Bill was presented by Council Members Dernoga, Blegay, and Olson and referred to the Transportation, Infrastructure, Energy and Environment Committee.

03/23/2023	TIEE	Held in Committee	
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Action Text:

A motion was made by Vice Chair Dernoga, seconded by Council Member Ivey, that this Council Bill be Held in Committee. The motion carried by the following vote:

Aye: 5 Olson, Dernoga, Hawkins, Ivey and Watson

04/13/2023 TIEE Favorably County Council
recommended with
amendments

Action Text:

A motion was made by Vice Chair Dernoga, seconded by Council Member Ivey, that this Council Bill be Favorably recommended with amendments. The motion carried by the following vote:

Aye: 5 Olson, Dernoga, Hawkins, Ivey and Watson

05/02/2023 County Council introduced

Action Text:

This Council Bill was introduced by Council Members Dernoga, Blegay, Olson, Fisher, Hawkins and Harrison.

05/30/2023 County Council public hearing held

Action Text:

The public hearing for this Council Bill was held.

05/30/2023 County Council amended (1)

Action Text:

A motion was made by Chair Dernoga, seconded by Council Member Hawkins, that this Council Bill be amended. The motion carried by the following vote:

Aye: 10 Hawkins, Harrison, Blegay, Dernoga, Watson, Olson, Fisher,
Burroughs, Ivey and Oriadha

Absent: 1 Franklin

06/20/2023 County Council public hearing held

Action Text:

The public hearing for this Council Bill was held.

06/20/2023 County Council amended (1)

Action Text:

A motion was made by Council Member Ivey, seconded by Council Member Olson, that this Council Bill be amended. The motion carried by the following vote:

Aye: 9 Hawkins, Harrison, Blegay, Dernoga, Watson, Olson, Burroughs, Ivey
and Franklin

Absent: 1 Fisher

Abstain: 1 Oriadha

06/20/2023 County Council enacted

Action Text:

A motion was made by Council Member Ivey, seconded by Council Member Watson, that this Council Bill be enacted. The motion carried by the following vote:

Aye: 8 Hawkins, Harrison, Blegay, Dernoga, Watson, Olson, Burroughs and Ivey

Nay: 2 Oriadha and Franklin

Absent: 1 Fisher

07/17/2023 County Executive signed

Action Text:

This Council Bill was signed

AFFECTED CODE SECTIONS:

BACKGROUND INFORMATION/FISCAL IMPACT:

This is the Better Bag Bill. The County Council finds that the use of single-use carryout bags by consumers at retail establishments is detrimental to the environment, public health, and welfare of County residents, and that it is in the best interests of maintaining the health, safety, and welfare of County residents and visitors to reduce the distribution of single-use carryout bags and incentivize the use of reusable bags by prohibiting provision of single-use plastic carryout bags and requiring retailers to charge at least 10 cents for each paper bag. 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 product, or service whether for-profit or not-for-profit. After December 31, 2023, a retail establishment may not provide a plastic carryout bag to a customer. After December 31, 2023, a retail establishment shall charge, collect, and retain at least 10 cents for each paper carryout bag and reusable carryout bag that it provides to a customer. The charge for paper carryout bags shall not apply to a paper bag containing prescription medication provided by a pharmacy to a customer. 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 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. A retail establishment that violates the provisions of this Division is subject to a civil penalty not exceeding \$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 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 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.

Document(s): B2023032, CB-032-2023 Summary, CB-032-2023 Report, CB-032-2023 PAFI (DR-2), CB-032-2023 OOL Comments, CB-032-2023 Amendment #1 (06202023 PH)