AN ORDINANCE concerning: Licensing – Food Service Facilities – Polystyrene Food Service Products

FOR the purpose of prohibiting the use and sale of expanded polystyrene products at food service facilities located in the County; providing for a penalty for violations; requiring the County to conduct a certain education and outreach campaign; providing for the applicability of this Ordinance; and generally relating to food service facilities.

BY adding: § 11-6-103
Anne Arundel County Code (2005, as amended)

SECTION 1. Be it enacted, That Sections(s) of the Anne Arundel County Code (2005, as amended) read as follows:

ARTICLE 11. LICENSES

TITLE 6. FOOD SERVICE FACILITIES

11-6-103. Polystyrene Foam Products.

(A) Definitions. IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(1) “EXPANDED POLYSTYRENE” MEANS BLOWN POLYSTYRENE AND EXPANDED AND EXTRUDED FOAMS THAT ARE THERMOPLASTIC PETROCHEMICAL MATERIALS UTILIZING A STYRENE MONOMER AND PROCESSED BY A NUMBER OF TECHNIQUES, INCLUDING FUSION OF POLYMER SPHERES OR EXPANDABLE BEAD POLYSTYRENE,

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Captions and taglines in bold in this bill are catchwords and are not law.
INJECTION MOLDING, FOAM MOLDING, AND EXTRUSION-BLOW MOLDING OR EXTRUDED
FOAM POLYSTYRENE.

(2) "EXPANDED POLYSTYRENE FOOD SERVICE PRODUCTS" MEANS FOOD
CONTAINERS OR SERVICE WARE, INCLUDING DISHES, HOT AND COLD BEVERAGE CUPS,
TRAYS, CARTONS FOR EGGS AND OTHER FOODS, PREPARED FOOD OR LEFTOVER
CONTAINERS, AND OTHER PRODUCTS MADE OF EXPANDED POLYSTYRENE AND USED FOR
SELLING, PROVIDING, OR SERVING FOOD THAT ARE INTENDED BY THE MANUFACTURER
TO BE USED ONCE FOR EATING OR DRINKING OR GENERALLY RECOGNIZED BY THE PUBLIC
AS ITEMS TO BE DISCARDED AFTER ONE USE.

(3) "FOOD SERVICE BUSINESS" MEANS A FULL-SERVICE RESTAURANT, LIMITED-
SERVICE RESTAURANT, FAST FOOD RESTAURANT, CAFE, DELICATESSEN, COFFEE SHOP,
SUPERMARKET, GROCERY STORE, COMMERCIAL RETAILER WITH GROCERY
DEPARTMENTS OR FOOD SERVICE, VENDING TRUCK OR CART, FOOD TRUCK, BUSINESS OR
INSTITUTIONAL CAFETERIA, INCLUDING THOSE OPERATED BY OR ON BEHALF OF COUNTY
DEPARTMENTS AND AGENCIES, AND OTHER BUSINESSES SELLING OR PROVIDING FOOD
WITHIN THE COUNTY FOR CONSUMPTION ON OR OFF THE PREMISES.

(B) Prohibition on use of expanded polystyrene food service products. A FOOD
SERVICE BUSINESS MAY NOT PROVIDE FOOD IN EXPANDED POLYSTYRENE FOOD SERVICE
PRODUCTS, REGARDLESS OF WHERE THE FOOD WILL BE CONSUMED. THIS SECTION MAY
NOT APPLY TO FOOD OR BEVERAGES FILLED AND SEALED IN EXPANDED POLYSTYRENE
CONTAINERS OUTSIDE OF THE COUNTY PRIOR TO RECEIPT BY A FOOD SERVICE BUSINESS
OR TO MATERIALS USED TO PACKAGE RAW, UNCOOKED, OR BUTCHERED MEAT, FISH,
POULTRY, OR SEAFOOD FOR OFF-PREMISES CONSUMPTION.

(C) Prohibition on sale. A FOOD SERVICE BUSINESS MAY NOT SELL OR OFFER FOR
SALE EXPANDED POLYSTYRENE FOOD SERVICE PRODUCTS.

(D) Penalty. VIOLATIONS OF THIS SECTION ARE A CLASS C CIVIL OFFENSE. A FOOD
SERVICE BUSINESS SHALL BE ENTITLED TO A WARNING FOR THE FIRST OFFENSE.

SECTION 2. And be it further enacted, That no later than 180 days after the effective
date of this Ordinance, the Health Department, in conjunction with the Department of
Public Works, shall begin a public education and outreach campaign that includes the
distribution of information through the County website and news releases to assist
businesses with the ban on polystyrene foam products.

SECTION 3. And be it further enacted, That this Ordinance shall apply to businesses
operating in Anne Arundel County on or after September 1, 2019.

SECTION 4. And be it further enacted, That this Ordinance shall take effect 45 days
from the date it becomes law.