

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2018, Legislative Day No. 13

Bill No. 49-18

Introduced by Mr. Trumbauer, Mr. Grasso, and Mr. Pruski

By the County Council, May 7, 2018

Introduced and first read on May 7, 2018
Public Hearing set for June 4, 2018
Bill Expires August 10, 2018

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

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

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4 FOR the purpose of prohibiting the use and sale of expanded polystyrene products at food
5 service facilities located in the County; providing for a penalty for violations; requiring
6 the County to conduct a certain education and outreach campaign; providing for the
7 applicability of this Ordinance; and generally relating to food service facilities.
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9 BY adding: § 11-6-103
10 Anne Arundel County Code (2005, as amended)

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

ARTICLE 11. LICENSES

TITLE 6. FOOD SERVICE FACILITIES

11-6-103. Polystyrene Foam Products.

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

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24 (1) "EXPANDED POLYSTYRENE" MEANS BLOWN POLYSTYRENE AND EXPANDED
25 AND EXTRUDED FOAMS THAT ARE THERMOPLASTIC PETROCHEMICAL MATERIALS
26 UTILIZING A STYRENE MONOMER AND PROCESSED BY A NUMBER OF TECHNIQUES,
27 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.

1 INJECTION MOLDING, FOAM MOLDING, AND EXTRUSION-BLOW MOLDING OR EXTRUDED
2 FOAM POLYSTYRENE.

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

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

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

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

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

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

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

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