

# PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2024, Legislative Day No. 20

Bill No. 92-24

Introduced by Ms. Leadbetter, Mr. Volke, and Ms. Fiedler

By the County Council, November 4, 2024

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Introduced and first read on November 4, 2024  
Public Hearing set for December 2, 2024  
Bill Expires on February 7, 2025

By Order: Kaley Schultze, Administrative Officer

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## A BILL ENTITLED

1 AN ORDINANCE concerning: Public Safety – Miscellaneous Provisions – Plastic Bags  
2 Prohibited

3  
4 FOR the purpose of removing the requirement to charge for plastic bags; removing the  
5 requirement of retail establishments to provide free reusable carryout bags during  
6 certain dates; removing the violation of failure to charge, collect, or retain fees per bag;  
7 and generally related to public safety.  
8

9 BY repealing and reenacting, with amendments: §§ 12-7-109(d) and (e)  
10 Anne Arundel County Code (2005, as amended)

11  
12 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
13 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

### ARTICLE 12. PUBLIC SAFETY

#### TITLE 7. MISCELLANEOUS PROVISIONS

##### 12-7-109. Plastic bags prohibited.

###### (d) Duties.

22  
23 (1) This subsection does not apply to a retail establishment that is a full-service  
24 restaurant, limited-service restaurant, fast food restaurant, café, delicatessen, coffee shop,  
25 vending truck or cart, food truck, business or institutional cafeteria, or other businesses

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EXPLANATION: CAPITALS indicate new matter added to existing law.  
[[Brackets]] indicate matter deleted from existing law.  
Captions and taglines in **bold** in this bill are catchwords and are not law.

1 selling or providing food for consumption on or off the premises provided that the business  
2 is not a supermarket or grocery store or located in or part of a convenience store.

3  
4 ~~[(2) Except as provided in paragraphs (3) and (4), a retail establishment shall~~  
5 ~~charge, collect, and retain at least 10 cents for each paper carryout bag and reusable~~  
6 ~~carryout bag that it provides to a customer.]]~~

7  
8 ~~[(3)] (2) A retail establishment may not charge for a paper carryout bag provided~~  
9 ~~by a pharmacist if the paper carryout bag contains prescription drugs.~~

10  
11 ~~[(4) A retail establishment may provide free reusable carryout bags for a nine-day~~  
12 ~~period each year from April 22 through April 30 and during a promotional period~~  
13 ~~established by the retail establishment up to 10 days per month.]]~~

14  
15 ~~[(5)] (3) (i) A retail establishment shall post notices that advise customers to bring~~  
16 ~~reusable carryout bags or to purchase reusable carryout bags [[and that each paper~~  
17 ~~carryout bag is subject to a charge of at least 10 cents]].~~

18  
19 (ii) The notices shall be posted at the public entrance to the retail establishment  
20 or at each point of sale and shall be in English and Spanish. The County shall post an  
21 example of the notice in English and Spanish on the County website.

22  
23 ~~[(6) A retail establishment may not advertise, hold out, or state to the public,~~  
24 ~~directly or indirectly, that reimbursement of any part of the money collected under~~  
25 ~~paragraph (2) will be assumed or absorbed by the store or refunded to the customer.~~

26  
27 (7) A retail establishment shall indicate on the consumer transaction receipt the  
28 number of paper and reusable carryout bags provided by the store and the total amount of  
29 money charged per type of bag.]]

30  
31 **(e) Violations; enforcement.**

32  
33 (1) A violation of this section is a Class C civil offense. The County may enforce  
34 this section through injunctive proceedings or any other appropriate proceedings.

35  
36 (2) A retail establishment shall be given a warning for the first offense.

37  
38 (3) (i) Except as provided in ~~[[subparagraphs]]~~ SUBPARAGRAPH (ii) ~~[[and (iii)]]~~,  
39 multiple violations during a consumer transaction at a single point of sale constitutes a  
40 single offense.

41  
42 (ii) The provision of one or more plastic carryout bags per consumer transaction  
43 at a single point of sale is a single offense.

44  
45 ~~[(iii) The failure to charge, collect, or retain at least 10 cents per paper or~~  
46 ~~reusable carryout bag that a retail establishment provides to a customer is a single~~  
47 ~~offense.]]~~

1           (4) A fine may not be imposed against a retail establishment more than once in a  
2 seven-day period.

3  
4           (5) (i) The Department of Health shall enforce this section at all food service  
5 facilities.

6  
7           (ii) The Department of Inspections and Permits shall enforce this section at all  
8 retail establishments that are not food service facilities.

9  
10           (iii) The name and address of any retail establishment found to violate this  
11 section, including the date of the violation, the nature of the violation, and the amount of  
12 any fine imposed, shall be posted on the County's website.

13  
14           SECTION 2. *And be it further enacted*, That this Ordinance shall take effect 45 days  
15 from the date it becomes law.