

# PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2019, Legislative Day No. 2

Bill No. 5-19

Introduced by Ms. Rodvien, Ms. Lacey, and Mr. Pruski

By the County Council, January 22, 2019

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Introduced and first read on January 22, 2019

Public Hearing set for February 19, 2019

Bill Expires April 27, 2019

By Order: JoAnne Gray, Administrative Officer

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## 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 effective dates of this Ordinance; and generally relating to food service facilities.

8  
9 BY adding: § 11-6-103  
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 Sections(s) of the Anne Arundel County Code (2005, as amended) read as follows:

### ARTICLE 11. LICENSES

#### TITLE 6. FOOD SERVICE FACILITIES

##### 19 **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,

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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.

19  
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 PROHIBITION  
23 DOES NOT APPLY TO FOOD OR BEVERAGES FILLED AND SEALED IN EXPANDED  
24 POLYSTYRENE CONTAINERS OUTSIDE OF THE COUNTY PRIOR TO RECEIPT BY A FOOD  
25 SERVICE BUSINESS OR TO MATERIALS USED TO PACKAGE RAW, UNCOOKED, OR  
26 BUTCHERED MEAT, FISH, POULTRY, OR SEAFOOD FOR OFF-PREMISES CONSUMPTION.

27  
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) **Violations.** IT IS A CLASS E CIVIL OFFENSE TO VIOLATE ANY PROVISION OF THIS  
32 SECTION. A FOOD SERVICE BUSINESS SHALL BE ENTITLED TO A WARNING FOR THE FIRST  
33 OFFENSE.

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

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41 SECTION 3. *And be it further enacted,* That the provisions of Section 1 of this  
42 Ordinance shall take effect one year from the date it becomes law.

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44 SECTION 4. *And be it further enacted,* That, except as provided in Section 3 of this  
45 Ordinance, this Ordinance shall take effect 45 days from the date it becomes law.