



LEGISLATIVE SUMMARY

O-5-24

Ban on Retail Distribution of Plastic Bags

This summary was prepared by the City of Annapolis Office of Law for use by members of the Annapolis City Council during the legislation's consideration.

BILL SUMMARY

" City of Annapolis Plastic Bag Reduction Act "

O-5-23 would prohibit retail establishments in Annapolis from providing single-use plastic bags to customers, with some exceptions.

It is similar to Anne Arundel County's Bring Your Own Bag Plastic Reduction Act, but not exactly the same. Comparisons are at the end of this document.

ANNAPOLIS Requirements

Retailers can offer paper or reusable bags to customers at checkout. Paper bags must have at least 50% recycled content.

Customers can use their own bags at no cost.

Retailers must post signs explaining the program in both English and Spanish.

Exceptions

This prohibition does not apply to plastic bags used to contain, package, or wrap:

- Bakery goods or unwrapped prepared foods
- Raw meat or seafood
- Bulk items, including fruits, nuts, grains
- Other food items that can only be transported in a plastic bag (i.e., ice)
- Fresh flowers, potted plants, or fresh herbs
- Hanging garments or dry-cleaned clothes
- Live fish, insects, mollusks, or crustaceans
- Cigar or loose tobacco
- Newspapers



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The following may provide paper bags without charge:

- Standard and fast food restaurants
- School cafeterias
- Delis
- Coffee shops
- Food trucks & carts
- Pharmacies may provide paper bags without charge for prescriptions.

When?

Starts six months after the adoption of O-5-24

Cost?

Required retailers must charge at least 10 cents for each single-use paper bags. They may charge more for reusable bags.

The retailers keep the fee to cover their costs.

Retailers can offer free bags from April 22-30 and up to ten days each month.

Are Alternative Options Allowed?

Cloth and thick plastic bags can be distributed, but they must have stitched, glued or otherwise fused handles, which make them reusable.

Violations

Fines for violating the City of Annapolis Plastic Bag Reduction Act would face a fee set in the companion resolution, R-14-24, which is \$500 for the first offense and \$1,000 for subsequent violations.

The names of the businesses found to have violated the act would be published on the City's website.



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BACKGROUND

In 2022, the Maryland Attorney General's office issued an opinion that opened the door to municipalities implementing plastic bag bans.

"Maryland does not appear to have regulated or implemented any statewide legislation on single use plastic bags... Likewise, to my knowledge, local restrictions against the distribution of single use plastic bags would not appear to be inconsistent with or conflict with any other State law, and therefore would not appear to be preempted by State law."
-- **Shaunee L. Harrison, Assistant Attorney General, August 11, 2022**

On June 5, 2023, Anne Arundel County passed Bill 19-23 -- the Bring Your Own Bag Plastic Reduction Act -- prohibiting the retail distribution of plastic bags in Anne Arundel County. The county law went into effect January 1, 2024.

The Anne Arundel County law does not cover the City of Annapolis.



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City of Annapolis v. Anne Arundel County

The Annapolis plastic bag bill is similar to Anne Arundel County's in many ways. However, there are some differences.

	Annapolis	Anne Arundel County
Allowed plastic bags	More items specifically included, such as trash, ice, deli meat, etc.	
Exemptions	<ul style="list-style-type: none"> Farmers' markets can use plastic bags School cafeterias exempt from fee & can use plastic bags 	
10-cent charge for paper bag	same	
Type of paper bag	Must have 50% post-consumer (recycled) content	Not addressed
Public notice	Retailers must post signs in English & Spanish	More detailed requirements
Free bag periods	same	
Violations	Enforced by the City Planning & Zoning Department	Enforced by the County Health Department