

1 **..Title**

2 **Health and Safety - City of Annapolis Plastic Bag Reduction Act** – For the purpose of
3 prohibiting the retail distribution of plastic bags in the City, with some exceptions; defining
4 certain terms; establishing the duties of certain retail establishments; providing for the
5 enforcement of the prohibition on plastic bags; allowing retail establishments to distribute paper
6 and reusable bags at no cost during certain times of the year; requiring public notice of the
7 requirements; and generally relating to public safety.

8 **..Body**

9
10 **CITY COUNCIL OF THE**
11 **City of Annapolis**

12 **Ordinance 5-24**

13
14 **Introduced by: Alderman Savidge**
15 **Co-sponsored by: Aids. Schandelmeier, Arnett**

16
17 **Referred to:**

18 Housing and Human Welfare Committee

19
20 **AN ORDINANCE** concerning:

21
22 **Health and Safety - City of Annapolis Plastic Bag Reduction Act**

23
24 **FOR** the purpose of prohibiting the retail distribution of plastic bags in the City, with some
25 exceptions; defining certain terms; establishing the duties of certain retail establishments;
26 providing for the enforcement of the prohibition on plastic bags; allowing retail
27 establishments to distribute paper and reusable bags at no cost during certain times of the
28 year; requiring public notice of the requirements; and generally relating to public safety.

29
30 **BY** enacting with amendments the following portions of the Code of the City of Annapolis,
31 2024 Edition:
32 **10.32.010**

33
34 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
35 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

36
37 **Title 10 - HEALTH AND SAFETY**

38 **Chapter 10.32 - Miscellaneous Provisions**

39 **Section 10.32.010 - Plastic Bags Prohibited.**

40
41 **A. Definitions. In this section, the following words have the meanings indicated.**

- 42 1. "Coffee shop" is defined in § 21.72.010.
- 43 2. "Delicatessen" is defined in § 21.72.010.
- 44 3. "Food service facility" means an establishment licensed by the Anne Arundel
45 County Department of Health to prepare or sell food for the public.

- 1 4. "Mobile food service vendor" is defined in § 7.40.010.
- 2 5. "Plastic carryout bag" means:
- 3 a. A plastic bag provided by a retail establishment to a customer at the point
- 4 of sale that is not a reusable carryout bag.
- 5 b. A compostable plastic bag that meets the specifications of the American
- 6 Society of Testing and Materials International Standard D6400
- 7 specification for compostable plastics.
- 8 6. "Point of sale" means the physical or virtual place where a customer executes
- 9 payment for goods or services or receives goods or services.
- 10 7. Restaurants.
- 11 a. "Fast food restaurant" is defined in § 21.72.010.
- 12 b. "Standard restaurant" is defined in § 21.72.010.
- 13 8. "Retail establishment" means a store, food service facility, or any other
- 14 establishment that provides bags to its customers due to the sale of goods or
- 15 services.
- 16 9. "Reusable carryout bag" means a bag with stitched handles made of cloth or other
- 17 washable fabric or a durable material suitable for multiple reuses, specifically
- 18 designed and manufactured for numerous reuses, and not made of plastic film.
- 19 10. "Vending truck or cart" means a motorized or nonmotorized vehicle that changes
- 20 the location where a retailer can sell goods directly to customers.

21 **B. Requirements.**

- 22 1. A retail establishment shall not provide a plastic carryout bag to a customer
- 23 except as provided in Subsection C(3).
- 24 2. A retailer shall not provide a paper bag containing less than 50% post-consumer
- 25 recycled content.
- 26 3. The law shall be called the "City of Annapolis Plastic Bag Reduction Act."

27 **C. Duties.**

- 28 1. **Charge for Bags.**
- 29 a. **Fee.** Retail establishments may offer customers paper bags or reusable
- 30 carryout bags for a fee.
- 31 i. The fee for paper bags shall be at least ten cents (\$0.10) per bag;
- 32 ii. The customer shall pay the fee;

Explanation: ~~Strikethrough~~ indicates matter stricken from existing law.
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1 iii. The sales receipt shall reflect the number of bags provided to the
2 customer and the fee collected for the paper bag(s);

3 iv. The retail establishment shall collect and retain the fee; and

4 v. Retail establishments shall not provide customers any rebate,
5 exemption, or reimbursement for this paper bag fee.

6 **b. Annual Exception.** A retail establishment may provide free, reusable,
7 carryout bags:

8 i. For nine days each year between April 22 and April 30; and

9 ii. During a promotional period established by the retail
10 establishment, up to 10 days per month.

11 **2. Public Notice.**

12 a. **Must Be Posted.** A retail establishment shall post notices at the public
13 entrance to their establishment or each point of sale that:

14 i. Customers should bring reusable carryout bags or may purchase
15 reusable carryout bags in the retail establishment;

16 ii. Each paper carryout bag purchase is subject to a charge, and the
17 amount of the charge;

18 b. **Bilingual.** The notices shall be posted in English and Spanish.

19 **3. Exceptions.**

20 a. **Allowed Plastic Bags.** Plastic carryout bags are allowed for:

21 i. Bakery goods or unwrapped prepared foods;

22 ii. Bulk items, including fruit, vegetables, nuts, grains, candy, or
23 small hardware items;

24 iii. Cigars or loose tobacco;

25 iv. Dry-cleaned or laundered items;

26 v. Freshly prepared hot or cold food, including sliced deli and foods
27 prepared or ordered;

28 vi. Food and goods obtained at a farmers' market;

29 vii. Ice;

30 viii. Live creatures such as fish, insects, mollusks, or crustaceans from
31 a retail establishment selling such items in the ordinary course of
32 business;

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- ix. Newspapers;
- x. Prescription drugs obtained from a pharmacy;
- xi. Plant material, flowers or potted plants to prevent spoilage of the item or moisture damage to other purchases;
- xii. Packages of multiple bags intended for use for disposition of garbage, food storage, pet waste, or yard waste;
- xiii. Raw meat or seafood, or other foods the state or consistency of which is not conducive to the use of anything other than plastic carryout bags;

b. **Fee & Other Exceptions.**

- i. A retail establishment may not charge for a paper carryout bag provided by a pharmacist if the paper carryout bag contains prescription drugs.
- ii. A retail establishment may not charge for a paper carryout bag provided by a pharmacist if the paper carryout bag contains prescription drugs.
- ii. The following establishments are exempt from 10.32.010(C)(1) and 10.32.010(C)(2), subsections on charge for bags and public notice:
 - a) Standard restaurant;
 - b) Fast food restaurant,
 - c) Food service facility or cafeteria if the food service facility or cafeteria is operated by a school;
 - d) Delicatessen;
 - e) Coffee shop;
 - f) Vending truck or cart;
 - g) Mobile food service vendor; or
 - h) Other businesses selling or providing food for consumption on or off the premises, provided that the business is not a supermarket, grocery store, or part of a convenience store.

D. Violations; Enforcement.

1. **Violation.** A violation of this section shall constitute a municipal infraction.

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- 1 2. **Enforcement.** The Deputy City Manager for Resilience & Sustainability or their
2 designee shall issue a citation and levy fines or seek injunctive relief to enforce
3 this section.
- 4 3. **Offenses.**
- 5 a. Failing to charge, collect, or retain at least 10 cents per paper or reusable
6 carryout bag a retail establishment provides customers is a single offense;
- 7 b. The provision of one or more plastic carryout bags per consumer
8 transaction at a single point of sale is a single offense;
- 9 c. Multiple violations during a consumer transaction at a single point of sale
10 shall constitute a single offense; and
- 11 d. A fine may not be imposed against a retail establishment more than once
12 in seven days.
- 13 4. **Public Notice.** The Deputy City Manager for Resilience and Sustainability or
14 thier designee shall maintain and post on the City’s website an annual record of
15 the name and address of any retail establishment found to violate this section,
16 including the date of the violation, the nature of the violation, and the amount of
17 any fine imposed.
- 18 **E. Fines.** Fines for violation of any part of this chapter are set by the annual resolution of
19 the City Council. The fine schedule can be found in the Appendix of the City Code.

20

21 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
22 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect six months after
23 adoption.
24

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