

O-5-24

Health and Safety - City of Annapolis Plastic Bag Reduction Act

AMENDMENT 1 – ALD. SAVIDGE (Sponsor's Substitute)

Amendment Summary:

This amendment strikes the entire bill and inserts a new version.

- Removes requirement that plastic carryout bags be compostable
- Adds definitions
- Moves certain plastic carryout bag exceptions into definitions and reorganizes the bill layout to be more similar to the Anne Arundel County law;
- Removes the Anne Arundel County allowance for retailers to offer fee bags ten days each month.
- The City Manager will assign the department that will oversee the program.

MOTION:

On page 1, strike lines 37 through 45; strike pages 2 through 4; and on page 5, strike lines 1 through 19; and on page 1, in line 37, insert the following:

**"Title 10 - HEALTH AND SAFETY
Chapter 10.32 - Miscellaneous Provisions
Section 10.32.010 - Plastic Bags Prohibited.**

- A. **Definitions.** In this section, the following words have the meanings indicated.
1. "Coffee shop" is defined in § 21.72.010.
 2. "Delicatessen" is defined in § 21.72.010.
 3. "Food service facility" means an establishment licensed by the Anne Arundel County Department of Health to prepare or sell food for the public.
 4. "Mobile food service vendor" is defined in § 7.40.010.
 5. "Plastic carryout bag" means:

- a. A plastic bag provided by a retail establishment to a customer at the point of sale, and is not a reusable carryout bag.
 - b. “Plastic carryout bag” does not include a plastic bag used to contain, package, or wrap:
 - i. bakery goods;
 - ii. bulk items, including fruit, vegetables, nuts, grains, candy, or small hardware items;
 - iii. cigars or loose tobacco;
 - iv. dry-cleaned clothes;
 - v. plant material, flowers or potted plants to prevent spoilage of the item or moisture damage to other purchases;
 - vi. hanging garments;
 - vii. hot or cold food that is freshly prepared, including sliced deli and foods prepared or ordered;
 - viii. ice;
 - ix. live creatures such as fish, insects, mollusks, or crustaceans;
 - x. newspapers;
 - xi. raw meat and seafood; and
 - xii. unwrapped prepared foods.
6. “Point of sale” means the physical or virtual place where a customer executes payment for goods or services or receives goods or services.
 7. Restaurants.
 - a. "Fast food restaurant" is defined in § 21.72.010.
 - b. "Standard restaurant" is defined in § 21.72.010.
 8. “Retail establishment” means a store, food service facility, or any other establishment that provides bags to its customers due to the sale of goods or services.
 9. “Reusable carryout bag” means a bag with stitched handles made of cloth or other washable fabric or a durable material suitable for multiple reuses, specifically designed and manufactured for multiple reuses, and not made of plastic film.
 10. "Vending truck or cart" means a motorized or nonmotorized vehicle that changes locations so that a retailer can sell goods directly to customers.

B. Plastic Carryout Bags Prohibited.

1. Except as provided in the Annual Exception subsection, § 10.32.010 (C)(1)(c), a retail establishment in the City of Annapolis is prohibited from providing plastic carryout bags, as defined in § 10.32.010(A), to a customer.
2. Retailers shall allow customers to use their own carryout bags.
3. Except as provided in the Fee Exceptions subsection, § 10.32.010 (C)(1)(b), the retail establishment shall charge, collect, and retain at least 10 cents for each paper carryout bag and reusable carryout bag it provides to customers.
4. A retail establishment may not advertise, hold out, or state to the public, directly or indirectly, that reimbursement of any part of the money collected will be assumed or absorbed by the store or refunded to the customer.
5. The law shall be called the "City of Annapolis Plastic Bag Reduction Act."

C. Requirements.

1. Carryout Bags.

a. Fee-related Requirements.

- i. The sales receipt shall reflect the number of bags provided to the customer and the fee collected for the paper bag(s); and
- ii. Retail establishments shall not provide customers any rebate, exemption, or reimbursement for this carryout bag fee.

b. Fee Exceptions.

- i. A retail establishment shall not charge the carryout bag fee for a paper carryout bag provided by a pharmacist if the bag contains prescription drugs.
- ii. The following establishments are exempt from the subsections on the fee charge for bags and public notice:
 - (1) Fast food restaurant,
 - (2) Food service facility or cafeteria if a school operates the food service facility or cafeteria;
 - (3) Delicatessen;
 - (4) Coffee shop;
 - (5) Vending truck or cart;
 - (6) Mobile food service vendor; or
 - (7) 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.

- c. **Annual Exception.** A retail establishment may provide free, reusable carryout bags for nine days between April 22 and April 30 each year.

2. **Public Notice.**

- a. **Must Be Posted.** A retail establishment shall post notices at the public entrance to their establishment or each point of sale that:
 - i. Customers should bring reusable carryout bags or may purchase reusable carryout bags in the retail establishment;
 - ii. Each carryout bag purchase is subject to a charge, and the amount of the charge;
- b. **Bilingual.** The notices shall be posted in English and Spanish.

D. **Violations; Enforcement.**

1. **Violation.** A violation of this section shall constitute a municipal infraction.
2. **Enforcement.** The City Manager or their designee shall issue citations, levy fines, or seek injunctive relief to enforce this section.
3. **Offenses.**
 - a. Failing to charge, collect, or retain at least 10 cents per paper or reusable carryout bag a retail establishment provides customers is a single offense;
 - b. The provision of one or more plastic carryout bags per consumer transaction at a single point of sale is a single offense;
 - c. Multiple violations during a consumer transaction at a single point of sale shall constitute a single offense; and
 - d. A fine may not be imposed against a retail establishment more than once in seven days.

E. **Fines.** Fines for violation of any part of this chapter are set by annual resolution of the City Council."