

SENATE BILL 186

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7lr0905
CF 7lr0525

By: **Senators Kagan, Benson, Currie, Feldman, Guzzone, Kelley, King, Lee, Madaleno, Middleton, Muse, Nathan-Pulliam, Peters, Pinsky, Ramirez, Robinson, Rosapepe, Smith, Young, and Zucker**

Introduced and read first time: January 18, 2017

Assigned to: Education, Health, and Environmental Affairs and Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Polystyrene Food Service Products and Polystyrene Loose Fill**
3 **Packaging – Prohibition on Sale**

4 FOR the purpose of prohibiting a person from selling in the State a certain expanded
5 polystyrene food service product or expanded polystyrene loose fill packaging on or
6 after a certain date; prohibiting a certain food service business from selling or
7 providing food in a certain expanded polystyrene food service product on or after a
8 certain date; requiring the Department of the Environment to conduct a certain
9 public education and outreach campaign in a certain manner; authorizing the
10 Department to provide a certain waiver to a certain food service business under
11 certain circumstances; requiring a county health department to enforce certain
12 provisions of this Act; authorizing a county health department to impose a certain
13 penalty for certain violations; prohibiting the imposition of a certain penalty unless
14 certain conditions are met; requiring a county health department to notify the
15 Department of certain violations; authorizing the Department to adopt certain
16 regulations; defining certain terms; and generally relating to the sale of expanded
17 polystyrene food service products and expanded polystyrene loose fill packaging.

18 BY adding to

19 Article – Environment

20 Section 9–2101 through 9–2106 to be under the new subtitle “Subtitle 21. Expanded
21 Polystyrene”

22 Annotated Code of Maryland

23 (2014 Replacement Volume and 2016 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
25 That the Laws of Maryland read as follows:

26 **Article – Environment**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



SUBTITLE 21. EXPANDED POLYSTYRENE.

9-2101.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “EXPANDED POLYSTYRENE” MEANS BLOWN POLYSTYRENE AND EXPANDED AND EXTRUDED FOAMS THAT ARE THERMOPLASTIC PETROCHEMICAL MATERIALS UTILIZING A STYRENE MONOMER AND PROCESSED BY A NUMBER OF TECHNIQUES, INCLUDING FUSION OF POLYMER SPHERES (EXPANDABLE BEAD POLYSTYRENE), INJECTION MOLDING, FOAM MOLDING, AND EXTRUSION-BLOW MOLDING (EXTRUDED FOAM POLYSTYRENE).

(C) (1) “EXPANDED POLYSTYRENE FOOD SERVICE PRODUCT” MEANS A PRODUCT MADE OF EXPANDED POLYSTYRENE THAT IS USED FOR SELLING OR PROVIDING FOOD.

(2) “EXPANDED POLYSTYRENE FOOD SERVICE PRODUCT” INCLUDES:

(I) FOOD CONTAINERS;

(II) PLATES;

(III) HOT AND COLD BEVERAGE CUPS;

(IV) MEAT AND VEGETABLE TRAYS; AND

(V) EGG CARTONS.

(3) “EXPANDED POLYSTYRENE FOOD SERVICE PRODUCT” DOES NOT INCLUDE:

(I) PREPACKAGED SOUP OR OTHER FOOD THAT A FOOD SERVICE BUSINESS SELLS OR OTHERWISE PROVIDES TO ITS CUSTOMERS IN EXPANDED POLYSTYRENE CONTAINERS THAT HAVE BEEN FILLED AND SEALED BEFORE RECEIPT BY THE FOOD SERVICE BUSINESS;

(II) FOOD OR BEVERAGES THAT HAVE BEEN FILLED AND SEALED IN EXPANDED POLYSTYRENE CONTAINERS OUTSIDE THE STATE BEFORE RECEIPT BY THE FOOD SERVICE BUSINESS; AND

(III) MATERIALS USED TO PACKAGE RAW, UNCOOKED, OR BUTCHERED MEAT, FISH, POULTRY, OR SEAFOOD FOR OFF-PREMISES CONSUMPTION.

(D) (1) "EXPANDED POLYSTYRENE LOOSE FILL PACKAGING" MEANS A VOID-FILLING PACKAGING PRODUCT MADE OF EXPANDED POLYSTYRENE THAT IS USED AS PACKAGING FILL.

(2) "EXPANDED POLYSTYRENE LOOSE FILL PACKAGING" INCLUDES PACKING PEANUTS MADE OF EXPANDED POLYSTYRENE.

(E) (1) "FOOD SERVICE BUSINESS" MEANS A BUSINESS THAT SELLS OR PROVIDES FOOD FOR CONSUMPTION ON OR OFF THE PREMISES IN THE STATE.

(2) "FOOD SERVICE BUSINESS" INCLUDES:

(I) RESTAURANTS;

(II) FAST FOOD STYLE RESTAURANTS;

(III) CAFES;

(IV) DELICATESSENS;

(V) COFFEE SHOPS;

(VI) SUPERMARKETS OR GROCERY STORES;

(VII) VENDING TRUCKS OR CARTS;

(VIII) FOOD TRUCKS;

(IX) MOVIE THEATERS;

(X) DINNER THEATERS; AND

(XI) BUSINESS OR INSTITUTIONAL CAFETERIAS, INCLUDING THOSE OPERATED BY OR ON BEHALF OF THE STATE.

9-2102.

(A) ON OR AFTER JANUARY 1, 2018, A PERSON MAY NOT SELL OR OFFER FOR SALE IN THE STATE:

(1) AN EXPANDED POLYSTYRENE FOOD SERVICE PRODUCT; OR

(2) EXPANDED POLYSTYRENE LOOSE FILL PACKAGING.

(B) ON OR AFTER JANUARY 1, 2018, A FOOD SERVICE BUSINESS MAY NOT SELL OR PROVIDE FOOD IN AN EXPANDED POLYSTYRENE FOOD SERVICE PRODUCT.

9-2103.

(A) THE DEPARTMENT SHALL CONDUCT A PUBLIC EDUCATION AND OUTREACH CAMPAIGN BEFORE AND DURING THE IMPLEMENTATION OF THIS SUBTITLE.

(B) THE PUBLIC EDUCATION AND OUTREACH CAMPAIGN REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:

(1) INFORMATIONAL MAILERS TO AND DIRECT CONTACT WITH FOOD SERVICE BUSINESSES;

(2) DISTRIBUTION OF INFORMATION THROUGH STATE INTERNET AND WEB-BASED RESOURCES; AND

(3) NEWS RELEASES AND NEWS EVENTS.

9-2104.

THE DEPARTMENT MAY GRANT TO A FOOD SERVICE BUSINESS A WAIVER FROM THE APPLICATION OF § 9-2102(B) OF THIS SUBTITLE FOR A PERIOD OF UP TO 1 YEAR IF THE DEPARTMENT DETERMINES THAT ACHIEVING COMPLIANCE UNDER THIS SUBTITLE WOULD PRESENT AN UNDUE HARDSHIP OR PRACTICAL DIFFICULTY NOT GENERALLY APPLICABLE TO OTHER FOOD SERVICE BUSINESSES IN SIMILAR CIRCUMSTANCES.

9-2105.

(A) A COUNTY HEALTH DEPARTMENT SHALL ENFORCE § 9-2102 OF THIS SUBTITLE.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A COUNTY MAY IMPOSE A PENALTY NOT EXCEEDING \$250 ON:

(1) A PERSON WHO VIOLATES § 9-2102(A) OF THIS SUBTITLE; OR

1 **(2) A FOOD SERVICE BUSINESS THAT VIOLATES § 9-2102(B) OF THIS**
2 **SUBTITLE.**

3 **(C) A PENALTY MAY NOT BE IMPOSED UNDER THIS SECTION UNLESS:**

4 **(1) THE COUNTY HEALTH DEPARTMENT FIRST ISSUES A WRITTEN**
5 **NOTICE OF VIOLATION TO THE PERSON OR FOOD SERVICE BUSINESS; AND**

6 **(2) THE VIOLATION IS NOT CORRECTED WITHIN 3 MONTHS OF**
7 **RECEIVING THE WRITTEN NOTICE.**

8 **(D) A COUNTY HEALTH DEPARTMENT SHALL NOTIFY THE DEPARTMENT OF**
9 **ANY VIOLATION OF § 9-2102 OF THIS SUBTITLE.**

10 **9-2106.**

11 **THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE.**

12 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**
13 **1, 2017.**