

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2023, Legislative Day No. 1

Bill No. 1-23

Councilmembers Patoka, Marks, Ertel & Kach

By the County Council, January 3, 2023

A BILL
ENTITLED

AN ACT concerning

Bring Your Own Bag Act

FOR the purpose of prohibiting, on or after a certain date, a retail establishment from distributing certain plastic carryout bags to a customer at the point of sale; establishing a minimum charge for certain paper and reusable carryout bags provided by a retail establishment; requiring certain signage be posted regarding certain charges for paper and reusable carryout bags; establishing a certain maximum civil penalty for a violation of this Act; establishing that the distribution of a certain number of plastic carryout bags at a single point of sale constitutes a single violation; prohibiting the imposition of a penalty under this Act unless certain conditions are met; providing for the enforcement of this Act; permitting the Department of Permits, Approvals, and Inspections to adopt certain regulations; defining certain terms; providing for the applicability of the Act; and generally relating to one-time use carryout bags.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

BY adding

Sections 21-14-101 through 21-14-105
Article 21 – Permits, Licenses, and Business Regulation
Title 14 – One-Time Use Plastic Carryout Bag Reduction
Baltimore County Code, 2015

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Laws of Baltimore County read as follows:

3
4 ARTICLE 21 – PERMITS, LICENSES, AND BUSINESS REGULATION

5 Title 14 – ONE-TIME USE PLASTIC CARRYOUT BAG REDUCTION

6
7 § 21-14-101. DEFINITIONS.

8 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (B) “FOOD SERVICE FACILITY” HAS THE MEANING STATED IN § 21–301 OF
11 THE HEALTH – GENERAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

12 (C) (1) “PLASTIC CARRYOUT BAG” MEANS A PLASTIC BAG THAT IS
13 PROVIDED BY A RETAIL ESTABLISHMENT TO A CUSTOMER AT THE POINT OF
14 SALE AND IS NOT A REUSABLE CARRYOUT BAG.

15 (2) “PLASTIC CARRYOUT BAG” INCLUDES A COMPOSTABLE PLASTIC
16 BAG THAT MEETS THE SPECIFICATIONS OF THE AMERICAN SOCIETY OF TESTING
17 AND MATERIALS INTERNATIONAL STANDARD SPECIFICATION FOR
18 COMPOSTABLE PLASTICS D6400.

19 (3) “PLASTIC CARRYOUT BAG” DOES NOT INCLUDE:

1 (I) A PLASTIC BAG USED TO:

- 2 1. PACKAGE BULK ITEMS, INCLUDING FRUIT,
3 VEGETABLES, NUTS, GRAINS, CANDY, OR SMALL HARDWARE ITEMS;
4 2. CONTAIN OR WRAP FROZEN FOODS, MEAT, OR FISH,
5 WHETHER PREPACKAGED OR NOT;
6 3. CONTAIN OR WRAP FLOWERS, POTTED PLANTS, OR
7 OTHER DAMP ITEMS;
8 4. CONTAIN UNWRAPPED PREPARED FOODS OR
9 BAKERY GOODS;
10 5. CONTAIN GARMENTS OR DRY-CLEANED CLOTHES,
11 INCLUDING SUITS, JACKETS, AND DRESSES; OR
12 6. TAKE LIVE FISH, INSECTS, MOLLUSKS, OR
13 CRUSTACEANS AWAY FROM THE RETAIL ESTABLISHMENT; OR

14 (II) A PLASTIC BAG PROVIDED BY A FOOD SERVICE FACILITY
15 THAT IS NECESSARY TO MEET FOOD SAFETY AND CONTAMINATION
16 STANDARDS.

17 (D) (1) "RETAIL ESTABLISHMENT" MEANS A STORE, A FOOD SERVICE
18 FACILITY, OR ANY OTHER ESTABLISHMENT THAT PROVIDES BAGS TO ITS
19 CUSTOMERS AS A RESULT OF THE SALE OF A GOOD, PRODUCT, OR SERVICE
20 WHETHER FOR-PROFIT OR NOT-FOR-PROFIT.

21 (2) "RETAIL ESTABLISHMENT" INCLUDES A GROCERY STORE OR
22 SUPERMARKET, A GENERAL MERCHANDISE OR DEPARTMENT STORE, A
23 HARDWARE OR HOME IMPROVEMENT STORE, A SPECIALTY PRODUCTS STORE, A

1 PHARMACY STORE, A LIQUOR STORE, A JEWELRY STORE, A FLORIST OR
2 GALLERY, A CONVENIENCE STORE OR A FUEL OR SERVICE STATION WITH A
3 CONVENIENCE STORE, OR ANY OTHER RETAIL STORE OR VENDOR, INCLUDING A
4 TEMPORARY STORE OR VENDOR AT A STREET FAIR OR FESTIVAL.

5 (3) “RETAIL ESTABLISHMENT” DOES NOT INCLUDE A SMALL RETAIL
6 ESTABLISHMENT.

7 (E) “REUSABLE CARRYOUT BAG” MEANS A BAG WITH STITCHED HANDLES
8 THAT IS SPECIFICALLY DESIGNED AND MANUFACTURED FOR MULTIPLE REUSE
9 AND IS MADE OF:

10 (1) CLOTH OR OTHER WASHABLE FABRIC; OR

11 (2) A DURABLE MATERIAL SUITABLE FOR MULTIPLE RE-USE THAT
12 IS NOT MADE OF PLASTIC FILM EXCEPT FOR PLASTIC FILM THAT HAS A
13 THICKNESS GREATER THAN 2.6 MILS.

14 (F) (1) “SMALL RETAIL ESTABLISHMENT” MEANS A STORE, A FOOD
15 SERVICE FACILITY, OR ANY OTHER ESTABLISHMENT THAT PROVIDES BAGS TO
16 ITS CUSTOMERS AS A RESULT OF THE SALE OF A GOOD, PRODUCT, OR SERVICE
17 WHETHER FOR-PROFIT OR NOT-FOR-PROFIT THAT:

18 (I) OPERATES SOLELY IN BALTIMORE COUNTY OR ADJOINING
19 JURISDICTIONS;

20 (II) HAS THREE OR FEWER PHYSICAL LOCATIONS; AND

21 (III) IS NOT PART OF A FRANCHISE, CORPORATION,
22 CORPORATE CONTROL GROUP, OR PARTNERSHIP THAT HAS PHYSICAL
23 LOCATIONS OUTSIDE OF BALTIMORE COUNTY OR ADJOINING JURISDICTIONS.

1 (2) “SMALL RETAIL ESTABLISHMENT” DOES NOT INCLUDE A
2 LIQUOR STORE, A CONVENIENCE STORE, OR A FUEL OR SERVICE STATION WITH
3 A CONVENIENCE STORE.

4
5 § 21-14-102. PLASTIC CARRYOUT BAGS PROHIBITED; PAPER AND REUSABLE
6 CARRYOUT BAG CHARGE.

7 (A) ON OR AFTER NOVEMBER 1, 2023, A RETAIL ESTABLISHMENT MAY NOT
8 PROVIDE A PLASTIC CARRYOUT BAG TO A CUSTOMER.

9 (B) (1) ON OR AFTER NOVEMBER 1, 2023, A RETAIL ESTABLISHMENT
10 SHALL CHARGE, COLLECT, AND RETAIN AT LEAST ~~10~~ 5 CENTS FOR EACH PAPER
11 CARRYOUT BAG AND REUSABLE CARRYOUT BAG THAT IT PROVIDES TO A
12 CUSTOMER. A RETAIL ESTABLISHMENT SHALL NOT CHARGE A CUSTOMER
13 UNDER THIS PARAGRAPH WHO BRINGS THEIR OWN REUSABLE CARRYOUT BAG.

14 (2) (I) A RETAIL ESTABLISHMENT MAY NOT ADVERTISE, HOLD
15 OUT, OR STATE TO THE PUBLIC OR TO A CUSTOMER, DIRECTLY OR INDIRECTLY,
16 THAT ~~REIMBURSEMENT OF ANY PART OF THE MONEY COLLECTED UNDER~~
17 ~~PARAGRAPH (1) OF THIS SUBSECTION WILL BE ASSUMED OR ABSORBED BY THE~~
18 ~~STORE OR~~ REFUNDED TO THE CUSTOMER.

19 (II) NOTHING IN SUBPARAGRAPH (2)(I) OF THIS SUBSECTION
20 SHALL PROHIBIT A RETAIL ESTABLISHMENT FROM OFFERING OR ADVERTISING
21 A PROMOTION OR PROGRAM THAT PROVIDES AN INCENTIVE TO CUSTOMERS TO
22 BRING THEIR OWN REUSABLE CARRYOUT BAG, OR REDUCES THE COST FOR
23 PURCHASING A REUSABLE CARRYOUT BAG, PROVIDED THAT NO PURCHASE IS

1 NECESSARY TO REDEEM THE OFFER OR PROMOTION AND NO REDUCTION IN
2 COST IS BELOW THE AMOUNT REQUIRED IN PARAGRAPH (1) OF THIS
3 SUBSECTION.

4 (3) A RETAIL ESTABLISHMENT SHALL INDICATE ON THE CUSTOMER
5 TRANSACTION RECEIPT THE NUMBER OF PAPER OR REUSABLE CARRYOUT BAGS
6 PROVIDED BY THE ESTABLISHMENT AND THE AMOUNT CHARGED.

7 (4) A RETAIL ESTABLISHMENT SHALL MAY POST A SIGN AT EACH
8 POINT OF SALE SUCH THAT IT IS VISIBLE TO CUSTOMERS AND EMPLOYEES
9 DURING A TRANSACTION THAT STATES THE CHARGE FOR EACH PAPER
10 CARRYOUT BAG AND REUSABLE CARRYOUT BAG IT PROVIDES TO A CUSTOMER.

11 ~~(C) A RETAIL ESTABLISHMENT MAY NOT COLLECT A CHARGE REQUIRED~~
12 ~~UNDER SUBSECTION (B) OF THIS SECTION FROM A CUSTOMER WHO USES STATE~~
13 ~~OR FEDERAL SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAMS (SNAP), FOOD~~
14 ~~COUPONS OR OTHER TYPE OF ALLOTMENT ISSUED UNDER 7 U.S.C. 2011-2036, OR~~
15 ~~WITH FOOD INSTRUMENTS, FOOD VOUCHERS, OTHER TYPE OF CERTIFICATE~~
16 ~~ISSUED UNDER 42 U.S.C. 1786 (SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR~~
17 ~~WOMEN, INFANTS, AND CHILDREN), OR WITH PANDEMIC ELECTRONIC BENEFIT~~
18 ~~TRANSFER (P EBT), FOR ANY PART OF THE TRANSACTION.~~

19 (C) THIS SECTION DOES NOT APPLY TO A SMALL RETAIL ESTABLISHMENT.

20
21 § 21-14-103. PENALTY; NOTICE OF VIOLATION.

22 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A RETAIL
23 ESTABLISHMENT THAT VIOLATES § 21-14-102 OF THIS TITLE IS SUBJECT TO A

1 CIVIL PENALTY NOT EXCEEDING \$500.

2 (B) (1) (I) THE PROVISION OF ONE OR MORE PLASTIC CARRYOUT
3 BAGS AT A SINGLE POINT OF SALE IS A SINGLE VIOLATION.

4 (II) THE FAILURE TO CHARGE THE AMOUNT OF MONEY
5 REQUIRED UNDER § 21-14-102(B) OF THIS TITLE FOR THE PROVISION OF ONE OR
6 MORE PAPER OR REUSABLE CARRYOUT BAGS AT A SINGLE POINT OF SALE IS A
7 SINGLE VIOLATION.

8 (2) A PENALTY MAY NOT BE IMPOSED UNDER THIS SECTION UNLESS
9 A RETAIL ESTABLISHMENT:

10 (I) IS FIRST ISSUED A WRITTEN NOTICE OF VIOLATION; AND

11 (II) DOES NOT CORRECT THE VIOLATION WITHIN 7 DAYS
12 AFTER RECEIPT OF THE WRITTEN NOTICE.

13 (3) A PENALTY MAY NOT BE IMPOSED ON A RETAIL
14 ESTABLISHMENT MORE THAN ONCE WITHIN A 7-DAY PERIOD.

15
16 § 21-14-104. ENFORCEMENT; WAIVER; ANNUAL REPORT.

17 (A) THIS TITLE SHALL BE ENFORCED BY THE DEPARTMENT.

18 (B) THE DIRECTOR OR THEIR DESIGNEE MAY GRANT A RETAIL
19 ESTABLISHMENT UP TO TWO WAIVERS FROM THE REQUIREMENTS OF THIS TITLE
20 FOR A PERIOD OF UP TO 3 MONTHS FOR EACH WAIVER IF THE DIRECTOR
21 DETERMINES THAT ACHIEVING COMPLIANCE UNDER THIS TITLE WOULD CAUSE
22 THE RETAIL ESTABLISHMENT AN UNDUE HARDSHIP OR A PRACTICAL
23 DIFFICULTY NOT GENERALLY APPLICABLE TO OTHER RETAIL ESTABLISHMENTS

1 IN SIMILAR CIRCUMSTANCES.

2 (C) THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO THE
3 COUNTY EXECUTIVE AND COUNTY COUNCIL THAT INCLUDES A LIST OF ALL
4 ENFORCEMENT ACTIONS TAKEN AND PENALTIES ISSUED UNDER THIS TITLE.

5
6 § 21-14-105. REGULATIONS.

7 THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS TITLE.

8
9 SECTION 2. AND BE IT FURTHER ENACTED, that the Department of Permits,
10 Approvals, and Inspections may not issue a citation with a monetary penalty for the first 90 days
11 after the provisions of § 21-14-102(a)-(b) take effect; however, during this period the
12 Department may issue a correction notice and shall attempt to educate any non-compliant retail
13 establishment on the requirements of this Act.

14
15 SECTION 2 3. AND BE IT FURTHER ENACTED, that this Act, having been passed by
16 the affirmative vote of five members of the County Council, shall take effect 14 days from the
17 date of enactment.



LEGISLATION DETAIL

LEGISLATION _____

DISPOSITION _____

ENACTED _____

EFFECTIVE _____

AMENDMENTS _____

ROLL CALL - LEGISLATION

ROLL CALL - AMENDMENTS

AMENDMENT #1

MOTION

SECOND

MOTION

SECOND

AYE

NAY

AYE

NAY

Councilman Young

Councilman Young

Councilman Patoka

Councilman Patoka

Councilman Kach

Councilman Kach

Councilman Jones

Councilman Jones

Councilman Marks

Councilman Marks

Councilman Ertel

Councilman Ertel

Councilman Crandell

Councilman Crandell

ROLL CALL - AMENDMENTS **AMENDMENT #2**

ROLL CALL - AMENDMENTS **AMENDMENT #3**

MOTION

SECOND

MOTION

SECOND

AYE

NAY

AYE

NAY

Councilman Young

Councilman Young

Councilman Patoka

Councilman Patoka

Councilman Kach

Councilman Kach

Councilman Jones

Councilman Jones

Councilman Marks

Councilman Marks

Councilman Ertel

Councilman Ertel

Councilman Crandell

Councilman Crandell

***FAILED**

***FAILED**



LEGISLATION DETAIL

LEGISLATION BILL 1-23 - CONTINUED

DISPOSITION PASSED AS AMENDED

ENACTED N/A

EFFECTIVE N/A

AMENDMENTS YES (10)

ROLL CALL - AMENDMENTS **AMENDMENT #4**

MOTION YOUNG		SECOND KACH
AYE	NAY	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Young
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Patoka
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Kach
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Jones
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Marks
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Ertel
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell

ROLL CALL - AMENDMENTS **AMENDMENT #5**

MOTION CRANDELL		SECOND JONES
AYE	NAY	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Young
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Patoka
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Kach
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Jones
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Marks
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Ertel
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell

*FAILED

ROLL CALL - AMENDMENTS **AMENDMENT #6**

MOTION YOUNG		SECOND KACH
AYE	NAY	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Young
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Patoka
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Kach
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Jones
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Marks
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Ertel
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell

ROLL CALL - AMENDMENTS **AMENDMENT #7**

MOTION KACH		SECOND CRANDELL
AYE	NAY	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Young
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Patoka
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Kach
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Jones
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Marks
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Ertel
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell



LEGISLATION DETAIL

LEGISLATION BILL 1-23 - CONTINUED

DISPOSITION PASSED AS AMENDED

ENACTED N/A

EFFECTIVE N/A

AMENDMENTS YES (10)

ROLL CALL - AMENDMENTS AMENDMENT #8

MOTION JONES		SECOND KACH
AYE	NAY	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Young
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Patoka
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Kach
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Jones
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Marks
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Ertel
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell

*FAILED

ROLL CALL - AMENDMENTS AMENDMENT #9

MOTION JONES		SECOND CRANDELL
AYE	NAY	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Young
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Patoka
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Kach
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Jones
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Marks
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Ertel
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell

*FAILED

ROLL CALL - AMENDMENTS AMENDMENT #10

MOTION JONES		SECOND
AYE	NAY	
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Young
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Patoka
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Kach
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Jones
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Marks
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Ertel
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell

*FAILED FOR LACK OF SECOND

ROLL CALL - AMENDMENTS

MOTION		SECOND
AYE	NAY	
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Young
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Patoka
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Kach
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Jones
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Marks
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Ertel
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell