

Reisinger, Dorsey, Bullard, Sobbed, Bunnell, Clark, Scott, Middle

Introduced by: Councilmember Henry

Prepared by: Department of Legislative Reference

Date: June 11, 2019

Referred to: JUDICIARY Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 19-0401

A BILL ENTITLED

AN ORDINANCE concerning

Comprehensive Bag Reduction

FOR the purpose of repealing the Plastic Bag Reduction Program; prohibiting certain dealers from supplying customers with plastic bags for use as checkout bags; authorizing certain exemptions; defining certain terms; imposing certain civil and criminal penalties; imposing a surcharge on checkout bags supplied by dealers to certain customers; and providing for special effective dates.

BY repealing

Article 15. Licensing and Regulation
Subtitle 16. Plastic Bag Reduction
Baltimore City Code
(Edition 2000)

BY adding

Article 7. Natural Resources
Section(s) 62-1 to 62-11, to be under the new subtitle,
"Subtitle 62. Plastic Bag Reduction"
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 1. Mayor, City Council, and Municipal Agencies
Section 40-14(e)(.5a)
Baltimore City Code
(Edition 2000)

BY repealing

Article 1. Mayor, City Council, and Municipal Agencies
Section 40-14(e)(2)("Subtitle 16. Plastic Bag Reduction")
Baltimore City Code
(Edition 2000)

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Handwritten signatures: Bullard, Dorsey, Sobbed, Bunnell, Clark, Scott, Middle, and others.

Agencies

Baltimore City Public School System

Baltimore Development Corporation

City Solicitor

Comptroller's Office

Department of Audits

Department of Finance

Department of General Services

Department of Housing and Community Development

Department of Human Resources

Department of Planning

Other: *Office of Sustainability*

Other: _____

Other: _____

Department of Public Works

Department of Real Estate

Department of Recreation and Parks

Department of Transportation

Fire Department

Health Department

Mayor's Office of Employment Development

Mayor's Office of Human Services

Mayor's Office of Information Technology

Office of the Mayor

Police Department

Other: _____

Other: _____

Boards and Commissions

Board of Estimates

Board of Ethics

Board of Municipal and Zoning Appeals

Comm. for Historical and Architectural Preservation

Commission on Sustainability

Employees' Retirement System

Other: _____

Other: _____

Other: _____

Environmental Control Board

Fire & Police Employees' Retirement System

Labor Commissioner

Parking Authority Board

Planning Commission

Wage Commission

Other: _____

Other: _____

Other: _____

CITY OF BALTIMORE
ORDINANCE **20.337**
Council Bill 19-0401

Introduced by: Councilmembers Henry, Dorsey, Bullock, Sneed, Burnett, Clarke, President Scott,
Councilmembers Cohen, Middleton, Reisinger

Introduced and read first time: June 17, 2019

Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: November 4, 2019

AN ORDINANCE CONCERNING

Comprehensive Bag Reduction

1

2 FOR the purpose of repealing the Plastic Bag Reduction Program; prohibiting certain dealers
3 from supplying customers with plastic bags for use as checkout bags; authorizing certain
4 exemptions; defining certain terms; imposing certain civil and criminal penalties; imposing a
5 surcharge on checkout bags supplied by dealers to certain customers; and providing for
6 special effective dates.

7 BY repealing

8 Article 15 - Licensing and Regulation

9 Subtitle 16 - Plastic Bag Reduction

10 Baltimore City Code

11 Edition 2000

12 BY adding

13 Article 7 - Natural Resources

14 Section(s) 62-1 to 62-11, to be under the new subtitle,

15 "Subtitle 62. Plastic Bag Reduction"

16 Baltimore City Code

17 Edition 2000

18 BY repealing and reordaining, with amendments

19 Article 1 - Mayor, City Council, and Municipal Agencies

20 Section 40-14(e)(.5a)

21 Baltimore City Code

22 Edition 2000

EXPLANATION: CAPITALS indicate matter added to existing law
[Brackets] indicate matter deleted from existing law
Underlining indicates matter added to the bill by amendment
~~Strike-out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment

Council Bill 19-0401

765-05

1 BY repealing
2 Article 1 - Mayor, City Council, and Municipal Agencies
3 Section 40-14(e)(2) ("Subtitle 16. Plastic Bag Reduction")
4 Baltimore City Code
5 Edition 2000

6 BY adding
7 Article 28 - Taxes
8 Section(s) 31-1 to 31-11, to be under the new subtitle,
9 "Subtitle 31. Checkout Bag Reduction SURCHARGE"
10 Baltimore City Code
11 Edition 2000

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
13 City Code Article 15, Subtitle 16, is repealed, in its entirety.

14 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Laws of Baltimore City read as
15 follows:

16 **Baltimore City Code**
17 **Article 7. Natural Resources**
18 **Subtitle 62. PLASTIC BAG REDUCTION**

19 **§ 62-1. Definitions.**

20 (A) *IN GENERAL.*

21 IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

22 ~~(B) CHECKOUT BAG:~~

23 ~~(1) "CHECKOUT BAG" MEANS ANY PLASTIC BAG SUPPLIED BY A DEALER AT NO~~
24 ~~ADDITIONAL COST TO A CUSTOMER AT THE POINT OF SALE, PICKUP, OR DELIVERY TO~~
25 ~~CARRY PURCHASED ITEMS.~~

26 ~~(2) "CHECKOUT BAG" DOES NOT INCLUDE A COMPOSTABLE PLASTIC BAG THAT:~~

27 ~~(i) IS CERTIFIED AND LABELED AS MEETING THE ASTM D6400 STANDARD~~
28 ~~SPECIFICATION BY A RECOGNIZED VERIFICATION ENTITY; AND~~

29 ~~(ii) IS CAPABLE OF UNDERGOING BIOLOGICAL DECOMPOSITION IN A COMPOST SITE~~
30 ~~SUCH THAT THE MATERIAL BREAKS DOWN INTO CARBON DIOXIDE, WATER,~~
31 ~~INORGANIC COMPOUNDS, AND BIOMASS AT A RATE CONSISTENT WITH KNOWN~~
32 ~~COMPOSTABLE MATERIALS.~~

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1 ~~(C) COMMISSIONER:~~

2 "COMMISSIONER" MEANS THE COMMISSIONER OF HEALTH OR THE COMMISSIONER'S
3 DESIGNEE.

4 ~~(D) DEPARTMENT:~~

5 "DEPARTMENT" MEANS THE BALTIMORE CITY DEPARTMENT OF HEALTH.

6 (B) ~~(E)~~ DEALER.

7 (1) "PERSON" DEFINED.

8 IN THIS SUBSECTION, "PERSON" MEANS:

9 (I) AN INDIVIDUAL;

10 (II) A PARTNERSHIP, FIRM, ASSOCIATION, LIMITED LIABILITY COMPANY,
11 CORPORATION, OR OTHER ENTITY OF ANY KIND;

12 (III) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY,
13 OR REPRESENTATIVE OF ANY KIND; OR

14 (IV) A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A
15 GOVERNMENTAL ENTITY.

16 (2) "DEALER" DEFINED.

17 (I) IN GENERAL.

18 "DEALER" MEANS ANY PERSON ENGAGED IN THE RETAIL SALE OF GOODS.

19 (II) INCLUSIONS.

20 "DEALER" INCLUDES ANY:

21 (A) SUPERMARKET;

22 (B) CONVENIENCE STORE;

23 (C) RESTAURANT;

24 (D) SHOP;

25 (E) SERVICE STATION; OR

26 (F) OTHER SALES OUTLET.

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1 (C) PLASTIC CHECKOUT BAG.

2
3 (1) "PLASTIC CHECKOUT BAG" MEANS ANY PLASTIC BAG THAT IS:

4 (I) SUPPLIED BY A DEALER AT THE POINT OF SALE, PICKUP, OR DELIVERY TO CARRY
5 PURCHASED ITEMS; AND

6 (II) LESS THAN 4 MILS THICK; AND .

7 (III) NOT DESIGNED OR INTENDED FOR REUSE.

8 (2) "PLASTIC CHECKOUT BAG" DOES NOT INCLUDE A COMPOSTABLE PLASTIC BAG THAT:

9 (I) IS CERTIFIED AND LABELED AS MEETING THE ASTM D6400 STANDARD
10 SPECIFICATION BY A RECOGNIZED VERIFICATION ENTITY; AND

11 (II) IS CAPABLE OF UNDERGOING BIOLOGICAL DECOMPOSITION IN A COMPOST SITE
12 SUCH THAT THE MATERIAL BREAKS DOWN INTO CARBON DIOXIDE, WATER,
13 INORGANIC COMPOUNDS, AND BIOMASS AT A RATE CONSISTENT WITH KNOWN
14 COMPOSTABLE MATERIALS.

15 **§ 62-2. {RESERVED}**

16 **§ 62-3. PROHIBITED CONDUCT.**

17 EXCEPT AS PROVIDED IN § 62-4 {"EXEMPTION: BAGS FOR CERTAIN PRODUCTS"} AND ~~§ 62-5~~
18 ~~{"EXEMPTION: VOUCHER OR ELECTRONIC BENEFITS TRANSFER PURCHASES"}~~ OF THIS
19 SUBTITLE, NO DEALER MAY SUPPLY CUSTOMERS WITH PLASTIC CHECKOUT BAGS.

20 **§ 62-4. EXEMPTION: BAGS FOR CERTAIN PRODUCTS.**

21 THIS SUBTITLE DOES NOT APPLY TO A PLASTIC CHECKOUT BAG SOLELY USED TO CONTAIN:

- 22 (1) FRESH FISH AND FRESH FISH PRODUCTS;
- 23 (2) FRESH MEAT AND FRESH MEAT PRODUCTS;
- 24 (3) FRESH POULTRY AND FRESH POULTRY PRODUCTS;
- 25 (4) OTHERWISE UNPACKAGED FRUITS, NUTS, OR VEGETABLES;
- 26 (5) OTHERWISE UNPACKAGED CONFECTIONERY;
- 27 (6) OTHERWISE UNPACKAGED FRESH CHEESE;
- 28 (7) OTHERWISE ~~UNPACKED~~ UNPACKAGED BAKED GOODS;
- 29 (8) ICE;
- 30 (9) FOOD AND GOODS OBTAINED AT A FARMERS' MARKET;

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1 (10) PRESCRIPTION DRUGS OBTAINED FROM A PHARMACY;

2 (11) NEWSPAPERS; OR

3 (12) DRY-CLEANED GOODS.

4 ~~§ 62-5. EXEMPTION: VOUCHER OR ELECTRONIC BENEFITS TRANSFER PURCHASES.~~

5 THIS SUBTITLE DOES NOT APPLY TO A PURCHASE MADE BY A CUSTOMER USING A VOUCHER OR
6 ELECTRONIC BENEFITS TRANSFER CARD ISSUED UNDER THE FOOD SUPPLEMENT PROGRAM
7 (FSP), WOMEN, INFANTS, AND CHILDREN PROGRAM (WIC), OR THE SUPPLEMENTAL
8 NUTRITION ASSISTANCE PROGRAM (SNAP).

9 ~~§ 62-6. {RESERVED}~~

10 ~~§§ 62-5 TO 62-6. {RESERVED}~~

11 ~~§ 62-7. RULES AND REGULATIONS.~~

12 (A) ~~IN GENERAL.~~

13 THE COMMISSIONER MUST ADOPT RULES AND REGULATIONS TO CARRY OUT THIS
14 SUBTITLE.

15 (B) ~~FILING WITH LEGISLATIVE REFERENCE.~~

16 A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED
17 WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

18 ~~§ 62-8. ANNUAL REPORT.~~

19 (A) ~~IN GENERAL.~~

20 ON OR BEFORE JUNE 30 OF EACH YEAR, THE COMMISSIONER MUST PREPARE AND SUBMIT
21 TO THE MAYOR AND THE CITY COUNCIL AN ANNUAL REPORT DETAILING COMPLIANCE
22 WITH THIS SUBTITLE.

23 (B) ~~CONTENTS.~~

24 THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION FOR THE PREVIOUS
25 CALENDAR YEAR:

26 (1) THE NUMBER OF INSPECTIONS CONDUCTED OF BUSINESSES REGULATED UNDER THIS
27 SUBTITLE; AND

28 (2) THE NUMBER OF CITATIONS ISSUED UNDER THIS SUBTITLE.

29 ~~§ 62-9. {RESERVED}~~

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1 **§ 62-7. DATA REPORTING.**

2 THE BALTIMORE CITY DEPARTMENT OF INFORMATION TECHNOLOGY, USING AVAILABLE
3 DATA FROM THE 311 SYSTEM AND THE ENVIRONMENTAL CONTROL BOARD, SHALL PUBLISH
4 DATA ON THE OPEN BALTIMORE WEB PORTAL THAT REFLECTS:

5 (1) THE NUMBER OF COMPLAINTS RECEIVED BY THE CITY OF BALTIMORE UNDER THIS
6 SUBTITLE; AND

7 (2) THE NUMBER OF CITATIONS ISSUED UNDER THIS SUBTITLE.

8 **§§ 62-8 TO 62-9. [RESERVED]**

9 **§ 62-10. ENFORCEMENT BY CITATION.**

10 (A) *IN GENERAL.*

11 IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE,
12 THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF AN ENVIRONMENTAL CITATION AS
13 AUTHORIZED BY CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL
14 BOARD"}.

15 (B) *PROCESS NOT EXCLUSIVE.*

16 THE ISSUANCE OF AN ENVIRONMENTAL CITATION DOES NOT PRECLUDE PURSUING ANY
17 OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

18 **§ 62-11. CRIMINAL PENALTIES.**

19 (A) *IN GENERAL.*

20 ~~ANY DEALER WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A~~
21 ~~MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000~~
22 ~~FOR EACH OFFENSE.~~

23 ANY DEALER WHO VIOLATES ANY PROVISION OF THIS SUBTITLE AFTER HAVING TWICE
24 RECEIVED AN ENVIRONMENTAL CITATION, EACH RESULTING IN ANY FINAL DISPOSITION
25 OTHER THAN NOT GUILTY, IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS
26 SUBJECT TO A FINE OF NOT MORE THAN \$1,000 FOR EACH OFFENSE.

27 (B) *EACH BAG A SEPARATE OFFENSE.*

28 EACH PLASTIC CHECKOUT BAG SUPPLIED TO A CUSTOMER IN VIOLATION OF THIS SUBTITLE
29 IS A SEPARATE OFFENSE.

30 **Article 1. Mayor, City Council, and Municipal Agencies**

31 **Subtitle 40. Environmental Control Board**

32 **§ 40-14. Violations to which subtitle applies.**

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1 (e) *Provisions and penalties enumerated.*

2 (.5a) *Article 7. Natural Resources*

3 Division I. Floodplain Management \$500

4 DIVISION VI. MISCELLANEOUS

5 SUBTITLE 62. PLASTIC BAG REDUCTION

6 1ST OFFENSE \$250

7 2ND OFFENSE IN SAME 6-MONTH PERIOD \$500

8 3RD OR SUBSEQUENT OFFENSE IN SAME 6-MONTH PERIOD \$1,000

9 (2) *Article 15. Licensing and Regulation*

10 [Subtitle 16. Plastic Bag Reduction

11 1st offense \$250

12 2nd offense in same 6-month period \$500

13 3rd or subsequent offense in same 6-month period \$1,000]

14 **Article 28. Taxes**

15 **Subtitle 31. CHECKOUT BAG SURCHARGE**

16 **§ 31-1. DEFINITIONS.**

17 (A) *IN GENERAL.*

18 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

19 (B) *DEALER.*

20 "DEALER" HAS THE MEANING STATED IN CITY CODE ARTICLE 7, ~~§ 62-1(E)~~ § 62-1(B)
21 {"DEFINITIONS: DEALER"}.

22 (C) *DIRECTOR.*

23 "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF FINANCE OR THE
24 DIRECTOR'S DESIGNEE.

25 (D) *CHECKOUT BAG.*

26 (1) *IN GENERAL.*

27 "CHECKOUT BAG" MEANS ANY PAPER OR PLASTIC BAG SUPPLIED BY A DEALER TO A
28 CUSTOMER AT THE POINT OF SALE, PICKUP, OR DELIVERY TO CARRY PURCHASED ITEMS.

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1 (2) *INCLUSIONS.*

2 "CHECKOUT BAG" INCLUDES A COMPOSTABLE PLASTIC BAG THAT MEETS THE
3 STANDARDS DESCRIBED IN CITY CODE ARTICLE 7, ~~§ 62-1(B)(2)~~ § 62-1(C)(2)
4 {"DEFINITIONS: CHECKOUT PLASTIC CHECKOUT BAG"}

5 (3) *EXCLUSIONS.*

6 "~~CHECKOUT BAG~~" DOES NOT INCLUDE A BAG SOLELY USED TO CONTAIN:

- 7 ~~(I) FRESH FISH AND FRESH FISH PRODUCTS;~~
- 8 ~~(II) FRESH MEAT AND FRESH MEAT PRODUCTS;~~
- 9 ~~(III) FRESH POULTRY AND FRESH POULTRY PRODUCTS;~~
- 10 ~~(IV) OTHERWISE UNPACKAGED FRUITS, NUTS, OR VEGETABLES;~~
- 11 ~~(V) OTHERWISE UNPACKAGED CONFECTIONERY;~~
- 12 ~~(VI) OTHERWISE UNPACKAGED FRESH CHEESE;~~
- 13 ~~(VII) ICE;~~
- 14 ~~(VIII) FOOD AND GOODS OBTAINED AT A FARMERS' MARKET;~~
- 15 ~~(IX) PRESCRIPTION DRUGS OBTAINED FROM A PHARMACY;~~
- 16 ~~(X) NEWSPAPERS; OR~~
- 17 ~~(XI) DRY-CLEANED GOODS.~~

18 "CHECKOUT BAG" DOES NOT INCLUDE:

19 (I) A BAG SOLELY USED TO CONTAIN:

- 20 (A) FRESH FISH AND FRESH FISH PRODUCTS;
- 21 (B) FRESH MEAT AND FRESH MEAT PRODUCTS;
- 22 (C) FRESH POULTRY AND FRESH POULTRY PRODUCTS;
- 23 (D) OTHERWISE UNPACKAGED FRUITS, NUTS, OR VEGETABLES;
- 24 (E) OTHERWISE UNPACKAGED CONFECTIONERY;
- 25 (F) OTHERWISE UNPACKAGED FRESH CHEESE;
- 26 (G) OTHERWISE UNPACKAGED BAKED GOODS;

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1 (H) ICE;

2 (I) FOOD AND GOODS OBTAINED AT A FARMERS' MARKET;

3 (J) PRESCRIPTION DRUGS OBTAINED FROM A PHARMACY;

4 (K) NEWSPAPERS; OR

5 (L) DRY-CLEANED GOODS; OR

6 (II) A "PLASTIC CHECKOUT BAG" DESCRIBED IN CITY CODE, ARTICLE 7, § 62-
7 1(C)(1) {"DEFINITIONS: PLASTIC CHECKOUT BAG"}.

8 (E) *PERSON.*

9 "PERSON" MEANS:

10 (1) AN INDIVIDUAL;

11 (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY
12 KIND; OR

13 (3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR
14 REPRESENTATIVE OF ANY KIND.

15 § 31-2. *{RESERVED}*

16 § 31-3. **SURCHARGE IMPOSED.**

17 (A) *IN GENERAL.*

18 A SURCHARGE IS IMPOSED ON EVERY CHECKOUT BAG SUPPLIED BY A DEALER TO A
19 CUSTOMER.

20 (B) *AMOUNT OF SURCHARGE.*

21 THE AMOUNT OF THE SURCHARGE IS 5 CENTS FOR EACH BAG.

22 (C) *NO EFFECT ON DEALER'S OWN IMPOSITION.*

23 NOTHING IN THIS SECTION LIMITS THE ABILITY OF A DEALER TO IMPOSE A SEPARATE
24 PURCHASE OR SERVICE FEE FOR A CHECKOUT BAG PROVIDED TO A CUSTOMER.

25 § 31-4. **COLLECTION AND REMITTANCE.**

26 (A) *DEALER TO COLLECT.*

27 (1) THE DEALER MUST COLLECT THE SURCHARGE IMPOSED BY THIS SUBTITLE FROM THE
28 CUSTOMER TO WHOM THE CHECKOUT BAG IS SUPPLIED.

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1 (2) THE AMOUNT OF THE SURCHARGE MUST BE ITEMIZED ON ANY RECEIPT, INVOICE, OR
2 LIKE DOCUMENT ISSUED TO THE CUSTOMER.

3 (B) REMITTANCE TO DIRECTOR.

4 (1) EXCEPT AS SPECIFICALLY AUTHORIZED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
5 SURCHARGE IMPOSED BY THIS SUBTITLE MUST BE REMITTED TO THE DIRECTOR ON OR
6 BEFORE THE 25TH DAY OF THE MONTH FOLLOWING THE MONTH IN WHICH THE
7 TRANSACTION OCCURRED.

8 (2) TO COVER THE ADMINISTRATIVE EXPENSE OF COLLECTING AND REMITTING THE
9 SURCHARGE TO THE DIRECTOR, THE DEALER MAY RETAIN ~~1 CENT~~ 4 CENTS FROM EACH
10 5 CENT SURCHARGE COLLECTED UNDER THIS SUBTITLE.

11 (C) REMITTANCE REPORTS.

12 (1) EACH REMITTANCE MUST BE ACCOMPANIED BY A REPORT FOR THE MONTH OF ALL
13 TRANSACTIONS THAT INVOLVED CHECKOUT BAGS SUBJECT TO THE SURCHARGE.

14 (2) THE REPORT MUST:

15 (I) BE IN THE FORM AND CONTAIN THE INFORMATION THAT THE DIRECTOR
16 REQUIRES; AND

17 (II) INCLUDE:

18 (A) THE NUMBER OF CHECKOUT BAGS SUPPLIED OR PROVIDED TO
19 CUSTOMERS;

20 (B) THE AGGREGATE AMOUNT OF THE SURCHARGE REQUIRED BY THIS
21 SUBTITLE TO BE COLLECTED; AND

22 (C) ANY OTHER INFORMATION THAT THE DIRECTOR REQUIRES TO ASSURE
23 THAT THE PROPER SURCHARGE HAS BEEN REMITTED.

24 ~~§ 31-5. SURCHARGE DETERMINATION BY THE DIRECTOR.~~

25 ~~(A) DIRECTOR TO OBTAIN INFORMATION:~~

26 ~~IF ANY PERSON FAILS TO REMIT THE SURCHARGE AND MAKE THE REPORTS WHEN DUE OR~~
27 ~~FAILS TO KEEP SUITABLE RECORDS AS REQUIRED UNDER THIS SUBTITLE, THE DIRECTOR~~
28 ~~MAY ATTEMPT TO OBTAIN OTHER AVAILABLE INFORMATION ON WHICH TO BASE AN~~
29 ~~ESTIMATE OF THE SURCHARGE DUE.~~

30 ~~(B) DIRECTOR TO ESTIMATE SURCHARGE:~~

31 ~~AS SOON AS THE DIRECTOR OBTAINS THIS INFORMATION, THE DIRECTOR MAY PROCEED TO~~
32 ~~DETERMINE THE SURCHARGE DUE AND ASSESS THAT SURCHARGE, PLUS INTEREST AND~~
33 ~~PENALTIES, AGAINST THE PERSON LIABLE FOR THE SURCHARGE.~~

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1 ~~(C) NOTICE AND PAYMENT.~~

2 ~~(1) THE DIRECTOR MAY THEN NOTIFY THE PERSON BY MAIL, SENT TO THAT PERSON'S LAST~~
3 ~~KNOWN ADDRESS, OF THE TOTAL AMOUNT OF THE SURCHARGE, INTEREST, AND~~
4 ~~PENALTIES.~~

5 ~~(2) THE TOTAL AMOUNT IS PAYABLE WITHIN 10 DAYS FROM THE DATE OF THIS NOTICE.~~

6 § 31-5. {RESERVED}

7 **§ 31-6. INTEREST AND CIVIL PENALTIES.**

8 (A) FAILURE TO REMIT SURCHARGE.

9 IF A DEALER PERSON FAILS TO REMIT THE SURCHARGE IMPOSED BY THIS SUBTITLE WHEN
10 DUE, THE DEALER PERSON MUST PAY THE DIRECTOR, IN ADDITION TO THE SURCHARGE
11 DUE:

12 (1) INTEREST AT THE RATE OF 1% FOR EACH MONTH OR FRACTION OF A MONTH THAT
13 THE SURCHARGE IS OVERDUE; AND

14 (2) A PENALTY OF 10% OF THE AMOUNT OF THE SURCHARGE DUE.

15 (B) FAILURE TO FILE REPORTS; MAINTAIN RECORDS.

16 IF A PERSON FAILS TO SUBMIT THE REMITTANCE REPORTS OR FAILS TO KEEP SUITABLE
17 RECORDS AS REQUIRED BY § 31-4 OF THIS SUBTITLE, THE PERSON MUST PAY THE
18 DIRECTOR, IN ADDITION TO THE SURCHARGE, A PENALTY OF \$1,000 FOR EACH MONTH
19 THAT REPORTS ARE NOT SUBMITTED OR FOR EACH MONTH THAT SUITABLE RECORDS ARE
20 NOT KEPT.

21 § 31-7. {RESERVED}

22 **§ 31-8. RULES AND REGULATIONS.**

23 (A) IN GENERAL.

24 THE DIRECTOR MUST ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SUBTITLE.

25 (B) FILING WITH LEGISLATIVE REFERENCE.

26 A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED
27 WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

28 § 31-9. {RESERVED}

29 **§ 31-10. PROHIBITED CONDUCT.**

30 A DEALER PERSON MAY NOT:

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- 1 (1) FAIL, NEGLECT, OR REFUSE TO COLLECT OR REMIT THE SURCHARGE IMPOSED BY THIS
2 SUBTITLE;
- 3 (2) MAKE ANY INCOMPLETE, FALSE, OR FRAUDULENT RETURN;
- 4 (3) FAIL TO KEEP COMPLETE AND ACCURATE RECORDS;
- 5 (4) REFUSE TO PERMIT THE FINANCE DIRECTOR OR THE DIRECTOR'S AUTHORIZED AGENT,
6 EMPLOYEE, OR REPRESENTATIVE TO INSPECT AND AUDIT THE OPERATOR'S RECORDS;
7 OR
- 8 (5) FAIL TO FULLY COMPLY WITH ANY PROVISION OF THIS SUBTITLE OR OF ANY RULE OR
9 REGULATION ADOPTED UNDER THIS SUBTITLE.

10 **§ 31-11. CRIMINAL PENALTIES.**

11 ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR OF A RULE OR REGULATION
12 ADOPTED UNDER THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS
13 SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR TO IMPRISONMENT FOR NOT MORE THAN 6
14 MONTHS OR TO BOTH FINE AND IMPRISONMENT FOR EACH OFFENSE.

15 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
16 are not law and may not be considered to have been enacted as a part of this or any prior
17 Ordinance.

18 **SECTION 4. AND BE IT FURTHER ORDAINED,** That the Baltimore City Department of Health
19 in conjunction with the Baltimore City Office of Sustainability shall engage in an outreach and
20 education campaign to all affected dealers and their customers informing them of the
21 prohibitions, exemptions, and penalties set forth in Section 2 of this Ordinance. This campaign
22 may include providing signs for point of sale stations and storefronts, media buys and
23 placements, and public service announcements.

24 **SECTION 5. AND BE IT FURTHER ORDAINED,** That Section 4 of this Ordinance takes effect on
25 the date of this Ordinance's enactment.

26 **SECTION 6. AND BE IT FURTHER ORDAINED,** That, except as provided in Section 5 of this
27 Ordinance, this Ordinance takes effect 1 year after the date it is enacted.

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Certified as duly passed this _____ day of NOV 18 2019



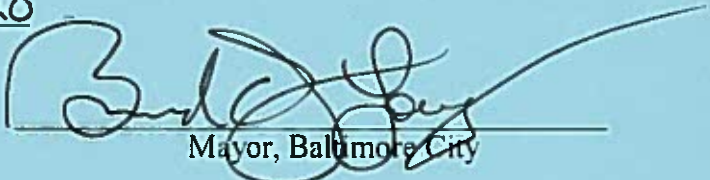
President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
this _____ day of NOV 18 2019, 20__



Chief Clerk

Approved this 13th day of Jan., 2020

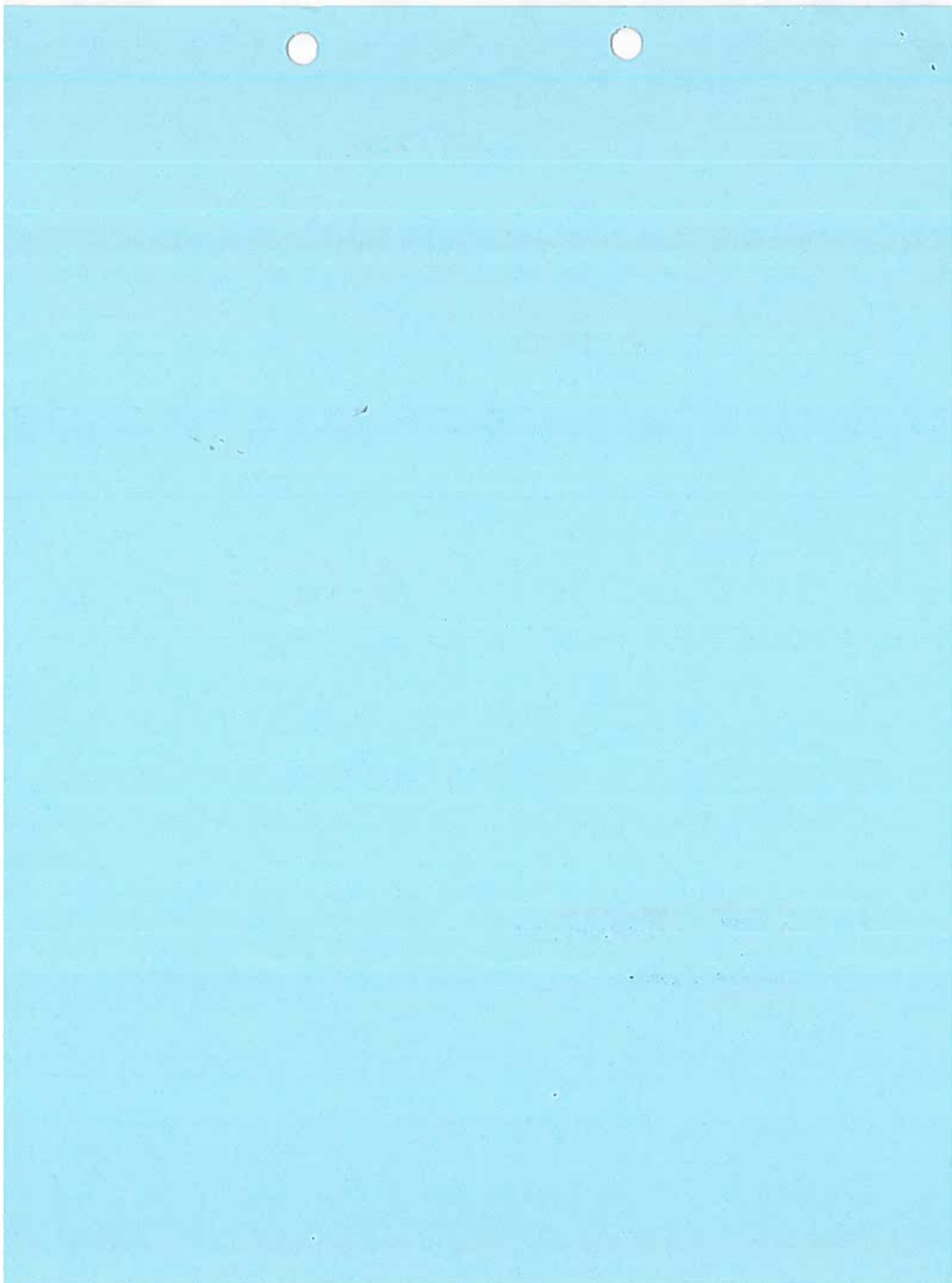


Mayor, Baltimore City

Approved For Form and Legal Sufficiency
This 25th Day of November 2019



Chief Solicitor



**BALTIMORE CITY COUNCIL
JUDICIARY COMMITTEE
VOTING RECORD**

BILL#: CC-19-0401

DATE: 10/28/19

TITLE: Comprehensive Bag Reduction

MOTION BY: Clarke SECONDED BY: Stokes

FAVORABLE

FAVORABLE WITH AMENDMENTS



UNFAVORABLE

WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Costello, E., Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, M., Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bullock, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, L.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reisinger, E.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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TOTALS	7			

CHAIRPERSON: 

COMMITTEE STAFF: Matthew L. Peters, Initials: *MLP*

F R O M	Name & Title	Letitia Dzirasa, M.D., Commissioner 	Health Department	
	Agency Name & Address	Health Department 1001 E. Fayette Street Baltimore, Maryland 21202	AGENCY REPORT	
	Subject: Position:	CC #19-0401 FAVORABLE W/ AMENDMENTS		

To: President and Members
of the City Council
c/o 409 City Hall

August 6, 2019

The Baltimore City Health Department (BCHD) is pleased to have the opportunity to review City Council Bill #19-0401, entitled "Comprehensive Bag Reduction." This legislation prohibits the distribution of certain plastic bags at a point of sale, and also imposes a surcharge on the distribution of other bags provided at a point of sale.

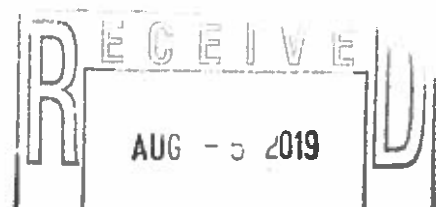
BCHD fully supports a shift to reusable bags in retail settings. Plastic bags intended for a single use pose both a public health and environmental risk to Baltimore City residents. At just one location along the Baltimore City harbor, the Waterfront Partnership of Baltimore notes that its "Mr. Trash Wheel" has collected "1,151 TONS of trash and debris," including "649,236 plastic bags," since its inception.

The plastic bags in question are slow to decompose and continually clog tributaries resulting in damage to marine and plant life. As these bags degrade, they contribute several potentially toxic elements into our environment, and eventually our food supply. Professor Rolf Halden, Director of the Environmental Biotechnology at the Biodesign Institute, conducted a study in 2010 that observed the spread of bisphenol-A or BPA and phthalates, both toxic to humans according to the Centers for Disease Control and Prevention, into the food supply through the breakdown of plastics.

In a recent Baltimore Sun article addressing litter, the Department of Public Works stated, "With 694 staff members to handle 210,000 households over nearly 90 square miles, [the City's] Solid Waste Bureau does not have enough resources to effectively clean up behind more than 600,000 city residents." The article further mentioned that, in distressed communities, environmental trash and debris often goes unattended by passersby and City workers for fear of what may be found in said litter or potential run-ins with the drug trade. These distressed communities plagued by litter risk greater exposure to the potential health risks associated with the breakdown of plastic bags. Moreover, the proliferation of said bags and litter add to existing blight, which carries with it additional public health concerns.

While BCHD understands and supports a shift to reusable bags in a retail context, there are some operational impacts posed by 19-0401 that must be addressed. In particular, there is

Fav w/ Amends




concern regarding whether the Department's enforcement officers will be able to accommodate 311 requests outside of their regular duties, as well as the bill's enforcement mechanisms. The Department recommends the following amendments:

- On page 4, in line 25, strike “*{RESERVED}*” and substitute “**AGENCIES TO ENFORCE.**”; on that same page, after line 25, insert:
 - “**ENFORCEMENT OF THIS SUBTITLE SHALL BE CONDUCTED BY “CODE ENFORCEMENT OFFICERS”, AS DEFINED IN CITY CODE ARTICLE 1, § 40-1(C), IN THE COURSE OF THEIR REGULAR DUTIES.**”
- On page 6, strike lines 3 through 5 in their entirety and substitute:
 - “**ANY DEALER WHO VIOLATES ANY PROVISION OF THIS SUBTITLE AFTER HAVING TWICE RECEIVED AN ENVIRONMENTAL CITATION WITH A FINAL DISPOSITION OTHER THAN NOT GUILTY IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 FOR EACH OFFENSE.**”

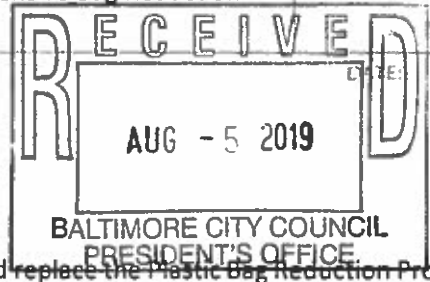
With consideration of the above amendments and the risks posed by plastic bags intended for a single use, BCHD urges a **favorable with amendments** report on Council Bill #19-0401.

Rhac

FROM	NAME & TITLE	Robert Cenname, Budget Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Finance Room 454, City Hall (410) 396-4940		
	SUBJECT	City Council Bill #19-0401: Comprehensive Bag Reduction		

TO

The Honorable President and
Members of the City Council
Room 400, City Hall



August 2, 2019

Council Bill 19-0401 proposes to repeal and replace the Plastic Bag Reduction Program. Most notably, this legislation would prohibit certain dealers from supplying customers with plastic bags for use as checkout bags, allow for certain exemptions, impose civil and criminal penalties for violating the proposed program, and impose a 5-cent surcharge on checkout bags supplied by dealers.

History

There have been numerous proposals over the years to reduce the usage of disposable bags in Baltimore. Most recently, the City Council proposed legislation on two separate occasions for a bag reduction program that featured a surcharge.

In Fiscal 2013 City Council introduced CCB 13-0241: Plastic and Paper Bag Surcharge, which proposed placing a surcharge on various distributions of paper and plastic bags, at the rate of 25-cents per bag. Finance estimated that the tax would generate \$6.5 to \$6.9 million annually and cost the City \$450,000 to implement in year one. This legislation ultimately was not approved by City Council.

In Fiscal 2014 City Council introduced CCB 14-0372: Plastic Bag Surcharge, which proposed placing a surcharge on various distributions of plastic bags, at a lower rate of 5-cents per bag. Finance estimated that the tax would generate \$1.5 million annually and cost the City \$450,000 to implement in the first year. City Council passed this bill, but it was vetoed by the Mayor.

Fiscal Analysis

Council Bill 19-0401, as proposed, prohibits retailers from supplying non-compostable plastic bags to customers at the point of sale, and levies a 5-cent surcharge on permissible checkout bags that are issued. Retailers would be required to collect the surcharge and remit the proceeds to the Director of Finance. Businesses would be allowed to retain 1-cent per bag for administrative costs.

In order to determine the potential impact on both City revenues and citizens, we looked at the experience of cities and municipalities that have implemented similar bag bans or surcharges. We also looked at studies that examine consumer behavior where plastic bag bans have been put into place.

Other Government's Experience

Several regional governments, such as those of Montgomery County, Prince George's County, and Washington, D.C. have implemented plastic bag taxes. Dozens of cities, such as Seattle, WA and Boston, MA, have prohibited plastic bag use altogether. In 2016 the State of California implemented a statewide ban on single-use plastic bags.

Regionally, Washington, D.C. implemented a 5-cent disposable bag tax in Fiscal 2010, generating \$1.5 million over the first nine months of implementation. In Fiscal 2011, the first full year of revenue from the tax, D.C. generated \$1.8 million and the following year generated \$1.6 million. In February 2018, local

Fav w/ comments

news sources reported that 76 percent of qualifying businesses comply with the law and qualifying bag usage has declined by 50 to 70 percent since the tax went into effect. Montgomery County (MD) also implemented a disposable bag tax at a rate of 5-cents per bag. In July 2016, the Washington Post reported that inventory from bag traps declined by nine percent from 2011 to 2015, suggesting that the tax has positively influenced consumer behavior.

Nationally, a 2015 study by UC Berkeley comparing stores in several California cities concluded that 46.5% of consumers at national chain stores and 40% at discount stores use reusable bags under either a plastic bag ban or a tax. Where point-of-sale reusable bag alternatives are offered, reusable bag utilization increases even further. The study goes on to suggest that reusable plastic bags – in this case, 15-cent thick-plastic bags – are desirable alternatives to thin plastic bags, especially where policymakers are concerned that bag bans lead to increased paper bag consumption.

Key Assumptions

For financial modeling, we started with a global per capita bag usage estimate. National Geographic estimates that in the United States, the average citizen uses approximately one disposable plastic bag per day, or approximately 365 per year.

For bag reduction and business compliance, we looked at the experience of many cities, but focused on Washington, D.C., which shares many demographic and regional characteristics with Baltimore.

We also made an adjustment for exempt consumers. Consumers are exempt who use a voucher or electronic benefits transfer card issued under the Food Supplement Program (FSP), Women, Infants and Children Program (WIC), or the Supplemental Nutrition Assistance Program (SNAP).

This projection has a high degree of uncertainty, given the complicated interaction of consumer behavior, economic considerations, and business compliance. But, as a reasonable estimate, assuming a significant reduction in bag usage and slowly growing business compliance, we expect the City's net revenues to peak at \$1.2 million in Year One and decline thereafter:

Comprehensive Bag Reduction - Revenue Impact					
Paper Bags	Year 1	Year 2	Year 3	Year 4	Year 5
<i>Bags per Capita</i>	365	365	365	365	365
<i>Baltimore Population</i>	602,495	602,495	602,495	602,495	602,495
<i>Bags Used</i>	219,910,675	219,910,675	219,910,675	219,910,675	219,910,675
<i>Bag Reduction</i>	50%	60%	70%	75%	75%
<i>Exempt Adjustment</i>	44%	44%	44%	44%	44%
<i>Taxable Bags</i>	61,574,989	49,259,991	36,944,993	30,787,495	30,787,495
Revenue @ 5 cents					
<i>Business Compliance</i>	60%	64%	68%	72%	75%
<i>Gross Revenue</i>	\$ 1,847,250	\$ 1,576,320	\$ 1,256,130	\$ 1,108,350	\$ 1,154,531
<i>Less: \$0.01</i>	\$ (369,450)	\$ (315,264)	\$ (251,226)	\$ (221,670)	\$ (230,906)
<i>Less: City Costs</i>	\$ (282,000)	(75,000)	(75,000)	(75,000)	(75,000)
<i>Net Revenue</i>	\$ 1,195,800	\$ 1,186,056	\$ 929,904	\$ 811,680	\$ 848,625

Looked at from the citizen's perspective, and assuming no behavior change, the average household (at 2.5 persons) would pay an additional \$45.63 per year. Of course, this is an avoidable tax, so costs to citizens would decline with further compliance:

Comprehensive Bag Reduction - Citizen Impact						
# of Bags	Average Usage	Tax Rate per Bg				
Per Person		\$0.01	*\$0.05	\$0.10	\$0.15	\$0.25
Weekly	7	\$0.07	\$0.35	\$0.70	\$1.05	\$1.75
Monthly	30	\$0.30	\$1.50	\$3.00	\$4.50	\$7.50
Yearly	365	\$3.65	\$18.25	\$36.50	\$54.75	\$91.25
Per HH						
Weekly	18	\$0.18	\$0.88	\$1.75	\$2.63	\$4.38
Monthly	75	\$0.75	\$3.75	\$7.50	\$11.25	\$18.75
Yearly	913	\$9.13	\$45.63	\$91.25	\$136.88	\$228.13

*Rate proposed by CCB 19-0401

Implementation Considerations

Based on Finance's research, as well as experience adding similar taxes in the past, we expect a first-year implementation cost of \$282,000. This includes one-time changes to tax payment software, an online payments interface, and dedicated resources from Baltimore City Information Technology (BCIT) management services and the Bureau of Revenue Collections. \$75,000 of the cost is expected to be recurring.

Additionally, the Department of Planning's Office of Sustainability expects to spend a nominal amount on printing costs and materials. Section 4 of this Bill stipulates that the Office of Sustainability, in partnership with other City agencies, must conduct outreach and education for the benefit of the general public and affected businesses. This campaign includes providing signs at points of sale and storefronts, media buys and placements, and public service announcements.

Position

With an outright ban on plastic bags and a proposed surcharge of 5-cents per bag on other bags, this bill should be expected to trigger a significant reduction in bag utilization. Finance projects first-year revenue of \$1.2 million, and a decline in revenues thereafter as consumer behavior changes.

This is an avoidable surcharge, with a high degree of uncertainty, so we cannot count on this revenue stream until we learn how Baltimore citizens and businesses react to the program. Future rate adjustments could easily be made to respond to any undesirable environmental outcomes, matters of equity, and/or changes in consumer behavior.

Based on these findings, the Department of Finance supports the passage of CCB 19-0401.

cc: Henry Raymond
Jeffrey Amoros

FROM	NAME & TITLE	Rudolph S. Chow, P.E. Director
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building
	SUBJECT	City Council Bill 19-0401

CITY of
BALTIMORE

MEMO



July 31, 2019

TO:

Judiciary Committee

INTRODUCTION

I am herein reporting on City Council Bill 19-0401 introduced by Council Members Henry, Dorsey, Bullock, Sneed, Burnett, Clarke, President Scott, Council Members Cohen, Middleton, and Reisinger.

PURPOSE

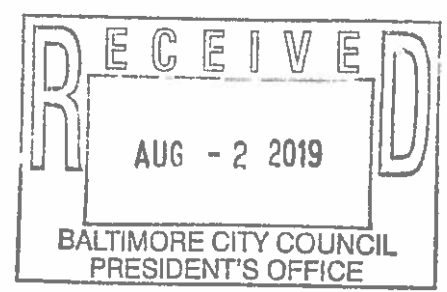
The purpose of the Bill is to repeal the Plastic Bag Reduction Program; prohibit certain dealers from supplying customers with plastic bags for use as checkout bags; authorize certain exemptions; define certain terms; impose certain civil and criminal penalties; impose a surcharge on checkout bags supplied by dealers to certain customers; and provide for a special effective date.

BRIEF HISTORY

Ordinance 10-268 established a Plastic Bag Reduction Program to reduce the quantity of plastic bags offered to customers of retail food dealers by either prohibiting these dealers from providing checkout plastic bags to customers or by enrolling in the Plastic Bag Reduction Program. The Program included providing a collection bin for plastic bags and contracting for the periodic recycling of the bags, making reusable bags available to customers, and submitting records to the City on various data including the number of plastic and reusable bags in the inventory at the beginning and end of each reporting period. Ordinance 10-373 amended the Program enrollment fee timing, as well as the effective date of the Ordinance from September 1, 2010 to December 1, 2010.

City Council Bill 19-0401, if approved, would repeal the Plastic Bag Reduction Program and replace it with a Comprehensive Bag Reduction Program. This proposed program includes the following: a surcharge of 5 cents for every paper or plastic checkout bag supplied to a customer by a dealer who is in the retail sale of goods; 4 cents of the surcharge per bag is to be remitted to the Director of Finance monthly, with the dealer retaining 1 cent per bag to cover any administration costs connected with the Reduction Program; each monthly remittance is to be accompanied by a report on the number of checkout bags supplied to customers, the aggregate amount of surcharge required to be collected, and any other information required by the Director of Finance. Failure to comply or to report may result in imposing interest, civil, or criminal penalties.

Fav w/ comments



Judiciary Committee.
July 31, 2019
Page 2

FISCAL IMPACT

Plastic bags, while a small component of Baltimore's trash and litter by weight, are easily carried by wind and water, and are a very visible and irritating discarded material. These bags are part of the litter and trash that the City collects and disposes of every day through street and alley cleaning, skimmer boat collections, cleaning of vacant lots, and corner can collections.

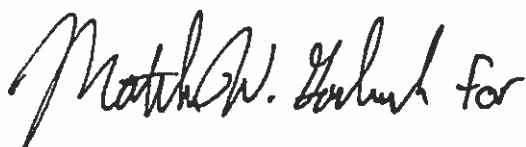
Two waste sorts were conducted under the "Less Waste, Better Baltimore" Solid Waste Master Plan study, a winter sort and a recently completed summer sort. While the results of the summer sort have not yet been posted, the winter sort showed that approximately 17% of residential trash was mixed plastic, which includes both checkout and trashholding plastic bags. Of particular interest was the analysis of curbside recyclable loads. One of the challenges with separating and containing recyclables for curbside collection is the misunderstanding on the part of residents who contain their recyclables in plastic bags or put checkout plastic bags in with their recyclables. Checkout plastic bags can be recycled by dropping them off at grocery stores and other retail venues that offer this service. But for the curbside recycling collection program, these plastic bags are not recycled by our vendor, and get caught up in the machinery that sorts and bundle the recyclables. They are a problematic material contributing to the amount of contamination in our recycling collection that increases the City's overall cost of recycling.

Source reduction practices are an effective means to lessen the impact of debris on our communities, on our storm drain and waterway systems, and help reach mandated goals for such efforts as the City's Trash TMDL. While there is no one solution that will clean our neighborhoods and our waterways of trash, it will take multiple approaches, constant education, and individual responsibility to make significant progress.

AGENCY/DEPARTMENT POSITION

The Department of Public Works supports passage of City Council Bill 19-0401.

Should the Committee have any questions, please do not hesitate to contact Ms. Marcia Collins at 410-396-1960, or via email at Marcia.Collins@baltimorecity.gov.



Rudolph S. Chow, P.E.
Director

RSC:MMC

Visit Our Website @ www.baltimorecity.gov

CITY OF BALTIMORE

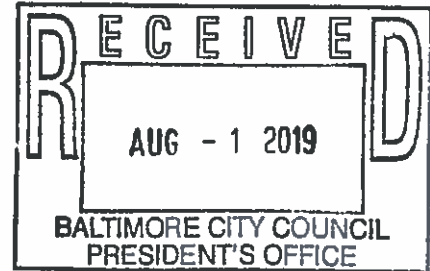
BERNARD C. "JACK" YOUNG
Mayor



DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

August 1, 2019

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202



Re: City Council Bill 19-0401 – Comprehensive Bag Reduction

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0401 for form and legal sufficiency. The bill would prohibit retailers from giving customers non-compostable plastic bags for most products purchased, with some enumerated exemptions. This requirement does not apply to customers paying through three designated assistance programs: Food Supplement Program (FSP), Women, Infants and Children Program (WIC) or Supplemental Nutrition Assistance Program (SNAP). Failure to comply with these requirements subjects retailers to citations of \$250 for the first offense, \$500 for the second offense that occurs within six months of the first offense and \$1,000 for every subsequent offense in that same six-month period. Failure to comply is also a criminal misdemeanor and, upon conviction, the retailer can be subject to a fine that does not exceed \$1,000.

The bill would also require retailers to charge customers five cents for every bag given at check-out, including the compostable plastic bags and paper bags that are not banned. The retailers must remit four of the five cents collected, along with other information about the bags, to the Director of Finance monthly. Failure to do so timely will result in interest on the overdue amount of one percent per month (or fraction thereof) and a ten percent penalty. Failure to remit enough information to the Director of Finance to demonstrate the amount of surcharge owed allows the Director of Finance to estimate that amount. Failure to comply is also a criminal misdemeanor and, upon conviction, the retailer can be subject to a fine that does not exceed \$1,000, or imprisonment of at least six months.

The City can both require the bag fee and prohibit the use of certain bags under its police and general welfare powers and the power to abate nuisances. City Charter, Art. II, §§ (11), (27), (47).; *see e.g.*, Restatement (Second) of Torts §821B(2)(a) (pollution can be deemed a nuisance) (followed by *Tadger v. Montgomery County*, 300 Md. 539, 552-53 (1984)).

See w/ Amends



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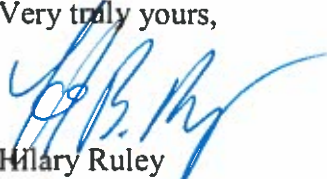
Although, there may be some argument that bag bans or fees impact interstate commerce in violation of the Commerce Clause of the United States Constitution, the Supreme Court has stated that “the extent of the burden that will be tolerated will of course depend on the nature of the local interest involved, and on whether it could be promoted as well with a lesser impact on interstate activities.” *Minnesota v. Clover Leaf Creamery Co.*, 449 U.S. 456, 471 (1981) (citing *Pike v. Bruce Church, Inc.*, 397 U.S. 137, 142 (1970)). To determine if the burden imposed on interstate commerce is excessive relative to the legitimate local interest, “the critical consideration is the overall effect of the statute on both local and interstate activity.” *MaryCLE, LLC v. First Choice Internet, Inc.*, 166 Md. App. 481, 515-16 (2006) (citing *Brown-Forman Distillers v. N.Y. State Liquor Authority*, 476 U.S. 573, 579 (1986)). Any administrative burden on local retailers will be lessened by their receipt of one cent per bag to offset costs. There is no indication that there will be a disproportionate adverse impact on interstate activity. As such, the law will likely survive a Commerce Clause challenge.

As to the five-cent bag charge, courts may conclude that it is a regulatory fee or an excise tax. See, e.g., *Weaver v. Prince George’s County*, 281 Md. 349, 357 (Md. 1977) (charge on consumption of commodities is an excise tax); but see *Eastern Diversified Properties, Inc. v. Montgomery Co.*, 319 Md. 45, 53 (1990) (“Where the fee is imposed for the purpose of regulation, and the statute requires compliance with certain conditions in addition to the payment of the prescribed sum, such sum is a license proper, imposed by virtue of the police power”). The City has the power to enact either. City Charter, Art. II, §§(27), (40), (47), *Mayor and City Council of Baltimore v. Canton Co. of Baltimore*, 186 Md. 618, 631-32 (1946) (power to regulate includes power to impose a fee to raise revenue that bears a reasonable relation to the expense of the regulation). The distinction between the two types of charges only becomes important if the bill is amended to substantially raise the amount of the bag charge such that the projected revenue would be greater than what the City would require to manage the program. If that happens, and a court were to find this to be a regulatory fee, the amount could be deemed to bear no reasonable relation to the City’s expense in running the program. See, e.g., *Theatrical Corp. v. Brennan*, 180 Md. 377, 381-82 (1942).

The only legal issue in the bill is Section 31-5, which gives the Department of Finance the ability to estimate the amount a retailer owes if it does not submit the requisite information. Courts strike down laws that do not give enough legislative guidance to determine an amount to be charged. See, e.g., *Maryland Theatrical Corp. v. Brennan*, 180 Md. 377, 385 (1942) (statute allowing the Baltimore City Police Commissioner to set a fee for a dance license was struck down as “the amount is left, within certain limits, to the uncontrolled discretion of an administrative official. This is not permitted under the police power.”) (cited with approval in *County Council of Montgomery County v. Investors Funding Corp.*, 270 Md. 403, 442 (1973) (statute giving a County Commission discretion to fix civil penalties in any amount up to \$ 1,000 was held invalid because it completely “lack[ed] any legislative safeguards or standards”)); accord *Andy’s Ice Cream v. City of Salisbury*, 125 Md. App. 125, 162 (1999) (“municipal delegation of ministerial authority must contain sufficient guidelines to ensure that the officers carrying out the delegations will act in accordance with the legislative will, and not employ their own unbounded discretion.”). Thus, Section 31-5 must be removed from the bill. In its place, the City Council could allow the Department of Finance the authority to review the books of the retailer to determine the actual number of bags sold. City Charter, Art. II, § (5). Alternatively, the City Council could implement a fine for every month a retailer fails to submit the requisite information. The Law Department has drafted a suggested amendment using the latter approach. However, the bill would be legally sufficient so long as the provision for the Department of Finance to estimate amounts owed is removed.

With the necessary amendment, the Law Department can approve the bill for form and legal sufficiency.

Very truly yours,



Hilary Ruley
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Jeffrey Amoros, Mayor's Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalá, Chief Solicitor
Ashlea Brown, Assistant Solicitor

AMENDMENTS TO COUNCIL BILL 19-0401
(1st Reader Copy)

Proposed by: Law Dep't

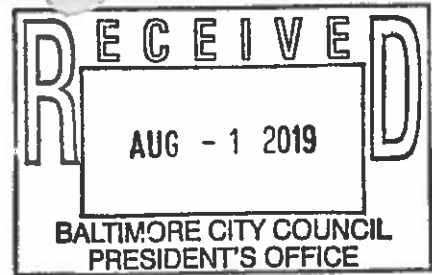
Delete lines 22 through 31 on page 9 and lines 1 through 5 on page 10.

On page 10, in line 7, insert "(A)" before "If"

On page 10, after line 11, insert "(B) IF A DEALER FAILS TO MAKE REPORTS WHEN DUE OR FAILS TO KEEP SUITABLE RECORDS AS REQUIRED UNDER THIS SUBTITLE, THE DEALER MUST PAY THE DIRECTOR A PENALTY OF \$1,000 FOR EACH MONTH THAT REPORTS ARE NOT MADE, OR SUITABLE RECORDS ARE NOT KEPT."



Baltimore
Development Corporation



MEMORANDUM

DATE: July 23, 2019
TO: Judiciary and Legislative Investigations Committee
FROM: Colin Tarbert, President & CEO *Colin Tarbert*
POSITION: Oppose
SUBJECT: City Council Bill No. 19-0401 – Comprehensive Bag Reduction

INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill No. 19-0401 – Comprehensive Bag Reduction - introduced by Councilmember Henry, et al.

PURPOSE

This bill repeals the Plastic Bag Reduction Program; prohibits certain dealers from supplying customers with plastic bags for use as checkout bags; authorizes certain exemptions; defines certain terms; imposes certain civil and criminal penalties; imposes a surcharge on checkout bags supplied by dealers to certain customers; and provides for special effective dates.

BRIEF HISTORY

In 2010 the Baltimore City Council passed the Plastic Bag Reduction Program, which prohibits certain food and non-food dealers from providing consumers with a single-use plastic bag at the point of sale. By enrolling in the Reduction Program, the dealer pledged to follow specific bag reduction efforts including only offering single-use plastic bags upon request, providing a collection bin for recycling and offering reusable bags for sale. Currently retailers can provide plastic bags at no additional cost to consumers, if a bag is requested. Paper bags are available at some retailers at no cost also if requested by the consumer.

For nearly a decade BDC, as one of the founding partners in the Baltimore Food Policy Initiative, has been at the forefront of supporting healthy food access for city residents with a retailer attraction and retention strategy, including implementing the City's only tax credit for grocery. Bill No. 19-0401 bans plastic bags completely and requires the retailers collect a five cent fee for a paper bag, if requested by the consumer, and remit four cents of the fee to the City. By allowing the retailer to keep only one cent per bag, which is less than the costs of providing a paper bag and administering the collection and payment of the fee, the fee acts as an additional tax on retailers. The provision in the bill that requires EBT users to get a free bag is also too costly to businesses which now provide plastic bags for free because they are a fraction of the cost of paper.

Supermarkets in the city are already uniquely burdened by the beverage container tax (City Ordinance 12-045) relative to their suburban competitors. Grocery is a low margin business and, just as grocers were unable to absorb the five cents per container tax and have passed

opposes

those costs onto the consumer, so too will this fee further shrink a store's profit margins or lead to higher prices for city residents which may incentivize them to take their dollars to stores in the surrounding Counties.

Existing taxes and fees make the cost of doing business in the city higher than surrounding counties; requiring a fee for a bag only adds to the higher costs of shopping in the city. That these fees are earmarked for other efforts intended to support City residents does not appear to influence customer behavior. City consumers aren't necessarily aware that the container tax goes to building schools, just as they will not recognize that this proposed bag fee will fund as-yet unidentified City initiatives. Instead, a consumer's conclusion is that it is more costly to shop in the city, leading them to do it less, making it harder for city retailers to be profitable. There is a direct relationship between this phenomenon and BDC's ability to attract certain retailers to the city.

FISCAL IMPACT

NONE

AGENCY POSITION

The BDC opposes City Council Bill No. 19-0401 because it unduly burdens supermarkets operating in the city.


Though the BDC opposes this legislation, if the bill does proceed in the process, alternatives to lessen the burden on supermarkets are to allow the retailers to set the fee for the bag and keep the entire amount of the fee collected to cover their costs. Furthermore, requiring a free bag be provided to EBT users should be removed.

If you have any questions, please do not hesitate to contact Kim Clark at 410-837-9305 or kclark@baltimoredevelopment.com

cc: Jeffrey Amoros

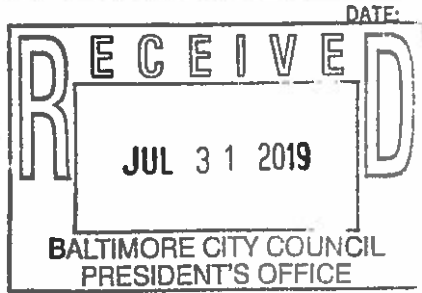
[KD]

L. McNeilly

FROM	NAME & TITLE	LISA MCNEILLY, SUSTAINABILITY DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #19-0401 COMPREHENSIVE BAG REDUCTION		

TO

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street



July 29, 2019

The Office of Sustainability is in receipt of City Council Bill #19-0136R, which is for the purpose of repealing the Plastic Bag Reduction Program; prohibiting certain dealers from supplying customers with plastic bags for use as checkout bags; authorizing certain exemptions; defining certain terms; imposing certain civil and criminal penalties; imposing a surcharge on checkout bags supplied by dealers to certain customers; and providing for special effective dates.

The 2019 Sustainability Plan (formally adopted on April 22, 2019) addresses the need to reduce the number of plastic bags as a way to reduce waste and litter in the City and in our waterways:

Waste and Recycling

Strategy #3: Pursue legislative and policy changes to reduce the waste stream.

Action 1: Enact legislation to impose a fee for plastic bags, and support state legislation instituting beverage container deposits.

Water in the Environment

Strategy # 2. Improve aquatic habitats by increasing riparian restoration and water quality monitoring, and creating policies to eliminate sources of pollution.

Action 4: Develop and promote legislation and policy at the City and State level to reduce pollution of our waterways, including restricting the use of pesticides and herbicides and reducing the use of single-use plastics (such as plastic bags and beverage bottles).

The Office of Sustainability looks forward to working with the Department of Health and others on an outreach and education campaign, similar to what has occurred with Council Bill #17-0117 Polystyrene Foam Products. Having an effective community engagement and marketing strategy has been identified by other cities as being an important step to the success of their plastic bag reduction efforts. The Office would use existing resources for such a campaign, but would need additional funding in order to undertake some of the actions mentioned in the bill.

F

The Sustainability Plan intentionally uses an equity lens to approach integrating social equity, the environment, and the economy. When discussing, creating, and implementing policy we commit to equity for all under-represented groups in Baltimore. Therefore, we recommend using a portion of the bag fee (or another source of funding) to distribute reusable checkout bags, targeted to low-income residents.

The Office of Sustainability supports City Council Bill #19-0401.

cc: Mr. Jeff Amoros, Mayor's Office
Ms. Natawna Austin, Council Services
Mr. Ervin Bishop, Council Services
Mr. Chris Ryer, Department of Planning

FROM	NAME & TITLE	Rebecca Woods, Esq., Executive Director <i>RW</i>
	AGENCY NAME & ADDRESS	Environmental Control Board 1 North Charles Street, 13 th Floor, Baltimore, Maryland 21201
	SUBJECT	City Council Bill # 19-0401 Comprehensive Bag Reduction

CITY OF
BALTIMORE
MEMO



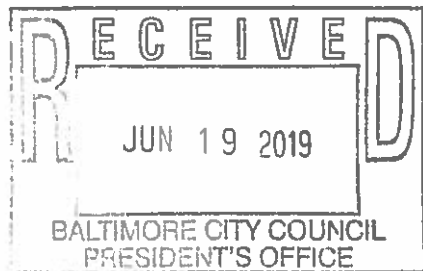
TO

DATE: June 18, 2019

The Honorable President and Members
of the Baltimore City Council

The Baltimore City Environmental Control Board (ECB) has been requested to review City Council Bill # 19-0401, Comprehensive Bag Reduction. The purpose of the bills is to repeal the Plastic Bag Reduction Program, prohibit certain dealers from supplying customers with plastic bags for use as checkout bags, authorize certain exemptions, define certain terms, impose certain civil and criminal penalties, impose a surcharge on checkout bags supplied by dealers to certain customers, and provide for special effective dates.

It is anticipated that the number of citations that will be issued for violations of the relevant provision(s) will have no significant impact on ECB operations. For this reason, ECB has no objections to the passage of this bill.



No obj.

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Meeting Minutes - Final

Judiciary Committee

Monday, October 28, 2019

2:00 PM War Memorial Building, 101 N. Gay Street, Baltimore, MD
21202

Work Session: 19-0401
Rescheduled from 10-22-19

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 7 - Eric T. Costello, Mary Pat Clarke, John T. Bullock, Leon F. Pinkett III, Edward Reisinger, Shannon Sneed, and Robert Stokes Sr.

ITEM SCHEDULED FOR WORK SESSION

19-0401

Comprehensive Bag Reduction

For the purpose of repealing the Plastic Bag Reduction Program; prohibiting certain dealers from supplying customers with plastic bags for use as checkout bags; authorizing certain exemptions; defining certain terms; imposing certain civil and criminal penalties; imposing a surcharge on checkout bags supplied by dealers to certain customers; and providing for special effective dates.

Sponsors: Bill Henry, Ryan Dorsey, John T. Bullock, Shannon Sneed, Kristerfer Burnett, Mary Pat Clarke, President Brandon M. Scott, Zeke Cohen, Sharon Green Middleton, Edward Reisinger

A motion was made by Clarke, seconded by Stokes, Sr., that this Ordinance be Recommended Favorably with Amendment. The motion carried by the following vote:

Yes: 7 - Costello, Clarke, Bullock, Pinkett III, Reisinger, Sneed, and Stokes Sr.

ADJOURNMENT

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

WORK SESSION NOTES

Bill: 19-0401

Comprehensive Bag Reduction

Committee: Judiciary
Chaired by: Councilmember Eric T. Costello

Date: October 28, 2019
Time (Beginning): 2:05 PM
Time (Ending): 2:20 PM
Location: War Memorial Building
Total Attendance: Approximately 40 people
Committee Members in Attendance:

Eric Costello John Bullock Edward Reisinger Robert Stokes
Mary Pat Clarke Leon Pinkett Shannon Sneed

- Bill Synopsis in the file? [X] YES [] NO [] N/A
Attendance sheet in the file? [X] YES [] NO [] N/A
Agency reports read? [X] YES [] NO [] N/A
Hearing televised or audio-digitally recorded? [] YES [X] NO [] N/A
Certification of advertising/posting notices in the file? [] YES [] NO [X] N/A
Evidence of notification to property owners? [] YES [] NO [X] N/A
Final vote taken at this hearing? [X] YES [] NO [] N/A
Motioned by: Councilmember Clarke
Seconded by: Councilmember Stokes
Final Vote: Fav. with Amendments

Major Speakers
(This is not an attendance record.)

Hilary Ruley, Law Department

COUNCIL BILL 19-0401

**UNOFFICIAL REPRINT TO SHOW CONTEXT
OF AMENDMENTS PROPOSED BY Committee Amts (as of 9-24-19)**

A BILL ENTITLED

AN ORDINANCE concerning

Comprehensive Bag Reduction

FOR the purpose of repealing the Plastic Bag Reduction Program; prohibiting certain dealers from supplying customers with plastic bags for use as checkout bags; authorizing certain exemptions; defining certain terms; imposing certain civil and criminal penalties; imposing a surcharge on checkout bags supplied by dealers to certain customers; and providing for special effective dates.

BY repealing

Article 15 - Licensing and Regulation
Subtitle 16 - Plastic Bag Reduction
Baltimore City Code
Edition 2000

BY adding

Article 7 - Natural Resources
Section(s) 62-1 to 62-11, to be under the new subtitle,
"Subtitle 62. Plastic Bag Reduction"
Baltimore City Code
Edition 2000

BY repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies
Section 40-14(e)(.5a)
Baltimore City Code
Edition 2000

BY repealing

Article 1 - Mayor, City Council, and Municipal Agencies
Section 40-14(e)(2)("Subtitle 16. Plastic Bag Reduction")
Baltimore City Code
Edition 2000

**EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike-out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.**

BY adding

Article 28 - Taxes

Section(s) 31-1 to 31-11, to be under the new subtitle,
"Subtitle 31. Checkout Bag Reduction SURCHARGE"

Baltimore City Code

Edition 2000

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That City Code Article 15, Subtitle 16, is repealed, in its entirety.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 7. Natural Resources

Subtitle 62. PLASTIC BAG REDUCTION

§ 62-1. Definitions.

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

~~(B) CHECKOUT BAG.~~

~~(1) "CHECKOUT BAG" MEANS ANY PLASTIC BAG SUPPLIED BY A DEALER AT NO ADDITIONAL COST TO A CUSTOMER AT THE POINT OF SALE, PICKUP, OR DELIVERY TO CARRY PURCHASED ITEMS.~~

~~(2) "CHECKOUT BAG" DOES NOT INCLUDE A COMPOSTABLE PLASTIC BAG THAT:~~

~~(i) IS CERTIFIED AND LABELED AS MEETING THE ASTM D6400 STANDARD SPECIFICATION BY A RECOGNIZED VERIFICATION ENTITY; AND~~

~~(ii) IS CAPABLE OF UNDERGOING BIOLOGICAL DECOMPOSITION IN A COMPOST SITE SUCH THAT THE MATERIAL BREAKS DOWN INTO CARBON DIOXIDE, WATER, INORGANIC COMPOUNDS, AND BIOMASS AT A RATE CONSISTENT WITH KNOWN COMPOSTABLE MATERIALS.~~

~~(C) COMMISSIONER.~~

~~"COMMISSIONER" MEANS THE COMMISSIONER OF HEALTH OR THE COMMISSIONER'S DESIGNEE.~~

~~(D) DEPARTMENT.~~

~~"DEPARTMENT" MEANS THE BALTIMORE CITY DEPARTMENT OF HEALTH.~~

~~(E) (B) DEALER.~~

(1) "PERSON" DEFINED.

IN THIS SUBSECTION, "PERSON" MEANS:

- (I) AN INDIVIDUAL;
- (II) A PARTNERSHIP, FIRM, ASSOCIATION, LIMITED LIABILITY COMPANY, CORPORATION, OR OTHER ENTITY OF ANY KIND;
- (III) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND; OR
- (IV) A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.

(2) *"DEALER" DEFINED.*

(I) *IN GENERAL.*

"DEALER" MEANS ANY PERSON ENGAGED IN THE RETAIL SALE OF GOODS.

(II) *INCLUSIONS.*

"DEALER" INCLUDES ANY:

- (A) SUPERMARKET;
- (B) CONVENIENCE STORE;
- (C) RESTAURANT;
- (D) SHOP;
- (E) SERVICE STATION; OR
- (F) OTHER SALES OUTLET.

(C) *PLASTIC CHECKOUT BAG.*

(1) "PLASTIC CHECKOUT BAG" MEANS ANY PLASTIC BAG THAT IS:

- (I) SUPPLIED BY A DEALER AT THE POINT OF SALE, PICKUP, OR DELIVERY TO CARRY PURCHASED ITEMS;
- (II) LESS THAN 4 MILS THICK; AND
- (III) NOT DESIGNED OR INTENDED FOR REUSE.

(2) "PLASTIC CHECKOUT BAG" DOES NOT INCLUDE A COMPOSTABLE PLASTIC BAG THAT:

- (I) IS CERTIFIED AND LABELED AS MEETING THE ASTM D6400 STANDARD SPECIFICATION BY A RECOGNIZED VERIFICATION ENTITY; AND
- (II) IS CAPABLE OF UNDERGOING BIOLOGICAL DECOMPOSITION IN A COMPOST SITE SUCH THAT THE MATERIAL BREAKS DOWN INTO CARBON DIOXIDE, WATER,

INORGANIC COMPOUNDS, AND BIOMASS AT A RATE CONSISTENT WITH KNOWN
COMPOSTABLE MATERIALS.

§ 62-2. {RESERVED}

§ 62-3. PROHIBITED CONDUCT.

EXCEPT AS PROVIDED IN § 62-4 {"EXEMPTION: BAGS FOR CERTAIN PRODUCTS"} AND ~~§ 62-5~~
~~{"EXEMPTION: VOUCHER OR ELECTRONIC BENEFITS TRANSFER PURCHASES"}~~ OF THIS
SUBTITLE, NO DEALER MAY SUPPLY CUSTOMERS WITH PLASTIC CHECKOUT BAGS.

§ 62-4. EXEMPTION: BAGS FOR CERTAIN PRODUCTS.

THIS SUBTITLE DOES NOT APPLY TO A PLASTIC CHECKOUT BAG SOLELY USED TO CONTAIN:

- (1) FRESH FISH AND FRESH FISH PRODUCTS;
- (2) FRESH MEAT AND FRESH MEAT PRODUCTS;
- (3) FRESH POULTRY AND FRESH POULTRY PRODUCTS;
- (4) OTHERWISE UNPACKAGED FRUITS, NUTS, OR VEGETABLES;
- (5) OTHERWISE UNPACKAGED CONFECTIONERY;
- (6) OTHERWISE UNPACKAGED FRESH CHEESE;
- (7) OTHERWISE ~~UNPACKED~~ UNPACKAGED BAKED GOODS;
- (8) ICE;
- (9) FOOD AND GOODS OBTAINED AT A FARMERS' MARKET;
- (10) PRESCRIPTION DRUGS OBTAINED FROM A PHARMACY;
- (11) NEWSPAPERS; OR
- (12) DRY-CLEANED GOODS.

~~§ 62-5. EXEMPTION: VOUCHER OR ELECTRONIC BENEFITS TRANSFER PURCHASES.~~

~~THIS SUBTITLE DOES NOT APPLY TO A PURCHASE MADE BY A CUSTOMER USING A VOUCHER OR
ELECTRONIC BENEFITS TRANSFER CARD ISSUED UNDER THE FOOD SUPPLEMENT PROGRAM
(FSP), WOMEN, INFANTS, AND CHILDREN PROGRAM (WIC), OR THE SUPPLEMENTAL
NUTRITION ASSISTANCE PROGRAM (SNAP).~~

§ 62-5. {RESERVED}

§ 62-6. {RESERVED}

§ 62-7. RULES AND REGULATIONS.

(A) *IN GENERAL.*

THE COMMISSIONER MUST ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SUBTITLE.

(B) *FILING WITH LEGISLATIVE REFERENCE.*

A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

§ 62-8. ANNUAL REPORT.

(A) *IN GENERAL.*

ON OR BEFORE JUNE 30 OF EACH YEAR, THE COMMISSIONER MUST PREPARE AND SUBMIT TO THE MAYOR AND THE CITY COUNCIL AN ANNUAL REPORT DETAILING COMPLIANCE WITH THIS SUBTITLE.

(B) *CONTENTS.*

THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION FOR THE PREVIOUS CALENDAR YEAR:

- (1) THE NUMBER OF INSPECTIONS CONDUCTED OF BUSINESSES REGULATED UNDER THIS SUBTITLE; AND
- (2) THE NUMBER OF CITATIONS ISSUED UNDER THIS SUBTITLE.

§ 62-9. {RESERVED}

§ 62-10. ENFORCEMENT BY CITATION.

(A) *IN GENERAL.*

IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF AN ENVIRONMENTAL CITATION AS AUTHORIZED BY CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"}.

(B) *PROCESS NOT EXCLUSIVE.*

THE ISSUANCE OF AN ENVIRONMENTAL CITATION DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

§ 62-11. CRIMINAL PENALTIES.

(A) *IN GENERAL.*

~~ANY DEALER WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 FOR EACH OFFENSE.~~

ANY DEALER WHO VIOLATES ANY PROVISION OF THIS SUBTITLE AFTER HAVING TWICE RECEIVED AN ENVIRONMENTAL CITATION, EACH RESULTING IN ANY FINAL DISPOSITION OTHER THAN NOT GUILTY, IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 FOR EACH OFFENSE.

(B) *EACH BAG A SEPARATE OFFENSE.*

EACH PLASTIC CHECKOUT BAG SUPPLIED TO A CUSTOMER IN VIOLATION OF THIS SUBTITLE IS A SEPARATE OFFENSE.

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-14. Violations to which subtitle applies.

(e) *Provisions and penalties enumerated.*

(.5a) *Article 7. Natural Resources*

Division I. Floodplain Management	\$500
DIVISION VI. MISCELLANEOUS	
SUBTITLE 62. PLASTIC BAG REDUCTION	
1ST OFFENSE	\$250
2ND OFFENSE IN SAME 6-MONTH PERIOD	\$500
3RD OR SUBSEQUENT OFFENSE IN SAME 6-MONTH PERIOD	\$1,000

(2) *Article 15. Licensing and Regulation*

[Subtitle 16. Plastic Bag Reduction	
1st offense	\$250
2nd offense in same 6-month period	\$500
3rd or subsequent offense in same 6-month period	\$1,000]

Article 28. Taxes

Subtitle 31. CHECKOUT BAG SURCHARGE

§ 31-1. DEFINITIONS.

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) *DEALER.*

“DEALER” HAS THE MEANING STATED IN CITY CODE ARTICLE 7, ~~§ 62-1(E)~~ § 62-1(B) {“DEFINITIONS: DEALER”}.

(C) *DIRECTOR.*

“DIRECTOR” MEANS THE DIRECTOR OF THE DEPARTMENT OF FINANCE OR THE DIRECTOR’S DESIGNEE.

(D) *CHECKOUT BAG.*

(1) *IN GENERAL.*

“CHECKOUT BAG” MEANS ANY PAPER OR PLASTIC BAG SUPPLIED BY A DEALER TO A CUSTOMER AT THE POINT OF SALE, PICKUP, OR DELIVERY TO CARRY PURCHASED ITEMS.

(2) *INCLUSIONS.*

“CHECKOUT BAG” INCLUDES A COMPOSTABLE PLASTIC BAG THAT MEETS THE STANDARDS DESCRIBED IN CITY CODE ARTICLE 7, § ~~62-1(B)(2)~~ § 62-1(C)(2) {“DEFINITIONS: ~~CHECKOUT~~ PLASTIC CHECKOUT BAG”}.

(3) *EXCLUSIONS.*

~~“CHECKOUT BAG” DOES NOT INCLUDE A BAG SOLELY USED TO CONTAIN:~~

- ~~(I) FRESH FISH AND FRESH FISH PRODUCTS;~~
- ~~(II) FRESH MEAT AND FRESH MEAT PRODUCTS;~~
- ~~(III) FRESH POULTRY AND FRESH POULTRY PRODUCTS;~~
- ~~(IV) OTHERWISE UNPACKAGED FRUITS, NUTS, OR VEGETABLES;~~
- ~~(V) OTHERWISE UNPACKAGED CONFECTIONERY;~~
- ~~(VI) OTHERWISE UNPACKAGED FRESH CHEESE;~~
- ~~(VII) ICE;~~
- ~~(VIII) FOOD AND GOODS OBTAINED AT A FARMERS’ MARKET;~~
- ~~(IX) PRESCRIPTION DRUGS OBTAINED FROM A PHARMACY;~~
- ~~(X) NEWSPAPERS; OR~~
- ~~(XI) DRY-CLEANED GOODS.~~

“CHECKOUT BAG” DOES NOT INCLUDE:

(I) A BAG SOLELY USED TO CONTAIN:

- (A) FRESH FISH AND FRESH FISH PRODUCTS;
- (B) FRESH MEAT AND FRESH MEAT PRODUCTS;
- (C) FRESH POULTRY AND FRESH POULTRY PRODUCTS;

(D) OTHERWISE UNPACKAGED FRUITS, NUTS, OR VEGETABLES;

(E) OTHERWISE UNPACKAGED CONFECTIONERY;

(F) OTHERWISE UNPACKAGED FRESH CHEESE;

(G) OTHERWISE UNPACKAGED BAKED GOODS;

(H) ICE;

(I) FOOD AND GOODS OBTAINED AT A FARMERS' MARKET;

(J) PRESCRIPTION DRUGS OBTAINED FROM A PHARMACY;

(K) NEWSPAPERS; OR

(L) DRY-CLEANED GOODS; OR

(II) A "PLASTIC CHECKOUT BAG" DESCRIBED IN CITY CODE, ARTICLE 7, § 62-1(C)(1) {"DEFINITIONS: PLASTIC CHECKOUT BAG"}."

(E) *PERSON.*

"PERSON" MEANS:

- (1) AN INDIVIDUAL;
- (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY KIND; OR
- (3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND.

§ 31-2. *{RESERVED}*

§ 31-3. **SURCHARGE IMPOSED.**

(A) *IN GENERAL.*

A SURCHARGE IS IMPOSED ON EVERY CHECKOUT BAG SUPPLIED BY A DEALER TO A CUSTOMER.

(B) *AMOUNT OF SURCHARGE.*

THE AMOUNT OF THE SURCHARGE IS 5 CENTS FOR EACH BAG.

(C) *NO EFFECT ON DEALER'S OWN IMPOSITION.*

NOTHING IN THIS SECTION LIMITS THE ABILITY OF A DEALER TO IMPOSE A SEPARATE PURCHASE OR SERVICE FEE FOR A CHECKOUT BAG PROVIDED TO A CUSTOMER.

§ 31-4. COLLECTION AND REMITTANCE.

(A) DEALER TO COLLECT.

- (1) THE DEALER MUST COLLECT THE SURCHARGE IMPOSED BY THIS SUBTITLE FROM THE CUSTOMER TO WHOM THE CHECKOUT BAG IS SUPPLIED.
- (2) THE AMOUNT OF THE SURCHARGE MUST BE ITEMIZED ON ANY RECEIPT, INVOICE, OR LIKE DOCUMENT ISSUED TO THE CUSTOMER.

(B) REMITTANCE TO DIRECTOR.

- (1) EXCEPT AS SPECIFICALLY AUTHORIZED IN PARAGRAPH (2) OF THIS SUBSECTION, THE SURCHARGE IMPOSED BY THIS SUBTITLE MUST BE REMITTED TO THE DIRECTOR ON OR BEFORE THE 25TH DAY OF THE MONTH FOLLOWING THE MONTH IN WHICH THE TRANSACTION OCCURRED.
- (2) TO COVER THE ADMINISTRATIVE EXPENSE OF COLLECTING AND REMITTING THE SURCHARGE TO THE DIRECTOR, THE DEALER MAY RETAIN 1 CENT FROM EACH 5 CENT SURCHARGE COLLECTED UNDER THIS SUBTITLE.

(C) REMITTANCE REPORTS.

- (1) EACH REMITTANCE MUST BE ACCOMPANIED BY A REPORT FOR THE MONTH OF ALL TRANSACTIONS THAT INVOLVED CHECKOUT BAGS SUBJECT TO THE SURCHARGE.

(2) THE REPORT MUST:

- (i) BE IN THE FORM AND CONTAIN THE INFORMATION THAT THE DIRECTOR REQUIRES; AND

(ii) INCLUDE:

- (A) THE NUMBER OF CHECKOUT BAGS SUPPLIED OR PROVIDED TO CUSTOMERS;

- (B) THE AGGREGATE AMOUNT OF THE SURCHARGE REQUIRED BY THIS SUBTITLE TO BE COLLECTED; AND

- (C) ANY OTHER INFORMATION THAT THE DIRECTOR REQUIRES TO ASSURE THAT THE PROPER SURCHARGE HAS BEEN REMITTED.

~~§ 31-5. SURCHARGE DETERMINATION BY THE DIRECTOR.~~

~~(A) DIRECTOR TO OBTAIN INFORMATION.~~

~~IF ANY PERSON FAILS TO REMIT THE SURCHARGE AND MAKE THE REPORTS WHEN DUE OR FAILS TO KEEP SUITABLE RECORDS AS REQUIRED UNDER THIS SUBTITLE, THE DIRECTOR MAY ATTEMPT TO OBTAIN OTHER AVAILABLE INFORMATION ON WHICH TO BASE AN ESTIMATE OF THE SURCHARGE DUE.~~

~~(B) DIRECTOR TO ESTIMATE SURCHARGE.~~

~~AS SOON AS THE DIRECTOR OBTAINS THIS INFORMATION, THE DIRECTOR MAY PROCEED TO DETERMINE THE SURCHARGE DUE AND ASSESS THAT SURCHARGE, PLUS INTEREST AND PENALTIES, AGAINST THE PERSON LIABLE FOR THE SURCHARGE.~~

~~(C) NOTICE AND PAYMENT.~~

~~(1) THE DIRECTOR MAY THEN NOTIFY THE PERSON BY MAIL, SENT TO THAT PERSON'S LAST KNOWN ADDRESS, OF THE TOTAL AMOUNT OF THE SURCHARGE, INTEREST, AND PENALTIES.~~

~~(2) THE TOTAL AMOUNT IS PAYABLE WITHIN 10 DAYS FROM THE DATE OF THIS NOTICE.~~

§ 31-5. {RESERVED}

§ 31-6. INTEREST AND CIVIL PENALTIES.

(A) FAILURE TO REMIT SURCHARGE.

IF A DEALER PERSON FAILS TO REMIT THE SURCHARGE IMPOSED BY THIS SUBTITLE WHEN DUE, THE DEALER PERSON MUST PAY THE DIRECTOR, IN ADDITION TO THE SURCHARGE DUE:

- (1) INTEREST AT THE RATE OF 1% FOR EACH MONTH OR FRACTION OF A MONTH THAT THE SURCHARGE IS OVERDUE; AND
- (2) A PENALTY OF 10% OF THE AMOUNT OF THE SURCHARGE DUE.

(B) FAILURE TO FILE REPORTS; MAINTAIN RECORDS.

IF A PERSON FAILS TO SUBMIT THE REMITTANCE REPORTS OR FAILS TO KEEP SUITABLE RECORDS AS REQUIRED BY § 31-4 OF THIS SUBTITLE, THE PERSON MUST PAY THE DIRECTOR, IN ADDITION TO THE SURCHARGE, A PENALTY OF \$1,000 FOR EACH MONTH THAT REPORTS ARE NOT SUBMITTED OR FOR EACH MONTH THAT SUITABLE RECORDS ARE NOT KEPT.

§ 31-7. {RESERVED}

§ 31-8. RULES AND REGULATIONS.

(A) IN GENERAL.

THE DIRECTOR MUST ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SUBTITLE.

(B) FILING WITH LEGISLATIVE REFERENCE.

A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

§ 31-9. {RESERVED}

§ 31-10. PROHIBITED CONDUCT.

A DEALER PERSON MAY NOT:

- (1) FAIL, NEGLECT, OR REFUSE TO COLLECT OR REMIT THE SURCHARGE IMPOSED BY THIS SUBTITLE;
- (2) MAKE ANY INCOMPLETE, FALSE, OR FRAUDULENT RETURN;
- (3) FAIL TO KEEP COMPLETE AND ACCURATE RECORDS;
- (4) REFUSE TO PERMIT THE FINANCE DIRECTOR OR THE DIRECTOR'S AUTHORIZED AGENT, EMPLOYEE, OR REPRESENTATIVE TO INSPECT AND AUDIT THE OPERATOR'S RECORDS;
OR
- (5) FAIL TO FULLY COMPLY WITH ANY PROVISION OF THIS SUBTITLE OR OF ANY RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE.

§ 31-11. CRIMINAL PENALTIES.

ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR OF A RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR TO IMPRISONMENT FOR NOT MORE THAN 6 MONTHS OR TO BOTH FINE AND IMPRISONMENT FOR EACH OFFENSE.

SECTION 3. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 4. AND BE IT FURTHER ORDAINED, That the Baltimore City Department of Health in conjunction with the Baltimore City Office of Sustainability shall engage in an outreach and education campaign to all affected dealers and their customers informing them of the prohibitions, exemptions, and penalties set forth in Section 2 of this Ordinance. This campaign may include providing signs for point of sale stations and storefronts, media buys and placements, and public service announcements.

SECTION 5. AND BE IT FURTHER ORDAINED, That Section 4 of this Ordinance takes effect on the date of this Ordinance's enactment.

SECTION 6. AND BE IT FURTHER ORDAINED, That, except as provided in Section 5 of this Ordinance, this Ordinance takes effect 1 year after the date it is enacted.



Kate Breimann, Environment Maryland Advocate
Council Ordinance 19-0401 Comprehensive Bag Reduction
Position: Support
October 4, 2019
Judiciary Committee
Chaired by Councilmember Eric T. Costello

Environment Maryland is a citizen-based environmental advocacy organization. We work to protect clean air, clean water, and open space. We have thousands of members across the state and are based in Baltimore.

As citizens of Baltimore City, we know that plastic pollution is a critical issue facing our city. Plastic bags are everywhere - snagged under bushes, caught in trees, drifting along the sidewalk, clogging a storm drain - and the problem will only get worse if we do not act now.

Environment Maryland and our coalition partners have talked to residents and small business owners from all corners of Baltimore City, and they agree that it's time to ban plastic bags. Across all of our organizations, we've collected petitions from thousands of city residents who are ready to end our dependence on single-use plastics, and to prioritize wildlife over waste. Environment Maryland alone has collected over 800 petitions in support of a bag ban.

Additionally, we urge you to support the fee for reusable alternatives. All research shows us that the combination of a ban on plastic bags with a fee on paper bags and other reusable alternatives will encourage consumers to move away from single-use bags to reusable bags, which should be the ultimate goal of a bill of this kind.¹ In fact, when Portland, OR passed a ban without the accompanying fee, the use of paper bags went up almost 500%. If we want to effectively shift consumer behavior, the fee is absolutely critical.

Production of single-use plastics is estimated to increase four-fold by 2050. It is far past time that our throw away culture end, when we know that there is, in fact, no "away" for plastic bags. They will persist, polluting our water, damaging our recycling system, littering our land, or they will end up in our city's incinerator releasing toxins into our air. We strongly urge the council to vote in favor of this bill, and to consider the above suggestions as we work together to make this legislation as strong and effective as possible.

Thank you for accepting these comments,

Environment Maryland
Trash Free Maryland
Waterfront Partnership
Clean Water Action
Maryland PIRG

¹ Scientist Action and Advocacy Network. "Scientific support for a plastic bag reduction law," https://scaan.net/docs/SCAAN_Bags_report.pdf

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Meeting Agenda - Final

Judiciary Committee

Monday, October 7, 2019

1:00 PM

Du Burns Council Chamber, 4th floor, City Hall

Work Session: 19-0401

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEM SCHEDULED FOR WORKSESSION

19-0401

Comprehensive Bag Reduction

For the purpose of repealing the Plastic Bag Reduction Program; prohibiting certain dealers from supplying customers with plastic bags for use as checkout bags; authorizing certain exemptions; defining certain terms; imposing certain civil and criminal penalties; imposing a surcharge on checkout bags supplied by dealers to certain customers; and providing for special effective dates.

Sponsors:

Bill Henry, Ryan Dorsey, John T. Bullock, Shannon Sneed, Kristerfer Burnett, Mary Pat Clarke, President Brandon M. Scott, Zeke Cohen, Sharon Green Middleton, Edward Reisinger

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

Sponsor / Proposer	Amendment Text	Explanation
1. Baltimore Development Corporation	On page 8, in line 16, strike "5" and substitute "7"; and, on page 9, in line 7, strike "1 CENT" and substitute " <u>5 CENTS</u> "; and, in the same line, strike "5" and substitute "7".	This amendment would increase the surcharge to 7 cents per bag and allow dealers to retain 5 cents of the surcharge for each bag.
2. Lorenzo Bellamy/ American Forest and Paper Association	Striking Section 31.4 B(2) to eliminate the 1 cent retained by the Dealer.	This amendment would require dealers to remit the entire surcharge to the Director of Finance, rather than retaining 1 cent for each bag.
3. Maryland Retailers Association	In the definition of "Plastic Checkout Bag" replace "less than 4 mils thick" with "less than 2.25 mils thick".	This amendment would allow dealers to provide thinner reusable plastic bags to customers (minimum thickness of 2.25 mils rather than 4 mils).

Note: Amendments may be revised by the Department of Legislative Reference to meet legal and technical standards

Lorenzo Bellamy/American	Insert language that provides Dealers to opt-in to the bag reduction program and	It is not clear whether 'bag reduction program' in the amendment is meant to include the prohibition and surcharge imposed by the bill, or just the existing program.
Lorenzo Bellamy	Insert language that delays implementation until _____ years after the date it is enacted	This amendment would delay implementation until the date set.
American Forest and Paper Association	Dealers must have option of offering an incentive for consumers who bring their own bags. Dealers who offer the rebate are not required to charge the fee.	Self explanatory.

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Meeting Minutes - Final

Judiciary Committee

Monday, September 23, 2019

9:00 AM

Du Burns Council Chamber, 4th floor, City Hall

Worksession: 19-0401

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 6 - Eric T. Costello, Mary Pat Clarke, Leon F. Pinkett III, Edward Reisinger, Shannon Sneed, and Robert Stokes Sr.
Absent 1 - John T. Bullock

ITEM SCHEDULED FOR WORKSESSION

19-0401

Comprehensive Bag Reduction

For the purpose of repealing the Plastic Bag Reduction Program; prohibiting certain dealers from supplying customers with plastic bags for use as checkout bags; authorizing certain exemptions; defining certain terms; imposing certain civil and criminal penalties; imposing a surcharge on checkout bags supplied by dealers to certain customers; and providing for special effective dates.

Sponsors: Bill Henry, Ryan Dorsey, John T. Bullock, Shannon Sneed, Kristerfer Burnett, Mary Pat Clarke, President Brandon M. Scott, Zeke Cohen, Sharon Green Middleton, Edward Reisinger

Recessed.

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
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Baltimore, Maryland 21202
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WORK SESSION NOTES

Bill: 19-0401

Comprehensive Bag Reduction

Committee: Judiciary
Chaired by: Councilmember Eric T. Costello

Hearing Date: September 23, 2019
Time (Beginning): 10:00 AM
Time (Ending): 10:50 AM
Location: Clarence "Du" Burns Council Chamber
Total Attendance: Approximately 35 people
Committee Members in Attendance:
Eric Costello Edward Reisinger Robert Stokes
Mary Pat Clarke Leon Pinkett Shannon Sneed

Bill Synopsis in the file?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Attendance sheet in the file?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Agency reports read?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Hearing televised or audio-digitally recorded?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A
Certification of advertising/posting notices in the file?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
Evidence of notification to property owners?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
Final vote taken at this hearing?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A
Motioned by:	NA		
Seconded by:	NA		
Final Vote:			

Major Speakers

(This is not an attendance record.)

D'Paul Nibber, Health Department
Hillary Ruley, Law Department

Major Issues Discussed

1. Chairman Costello called the work session to order. He explained that the Committee would consider the proposed amendments to the bill, except those related to the amount of the surcharge and the share of the surcharge that dealers may retain.
2. The Committee considered the proposed amendments (see the amendments table in file) with the following results:
 - a. Amendment Number 1: Adopted;
 - b. Amendment Number 2: Adopted;
 - c. Amendment Number 3: The Law Department and Health Department recommended changes to the language of the amendment and asked for additional time to coordinate. The Committee asked the Law Department and Health Department to discuss revisions to the amendment with Councilmembers Henry and Clarke and to report back to the Committee at the next meeting on the bill;
 - d. Amendment Number 4: Adopted with modifications to insert the language proposed in the Health Department's written report rather than the language in the proposed amendment;
 - e. Amendment Number 5: Adopted;
 - f. Amendment Number 6: Adopted;
 - g. Amendment Number 7: Held for a future meeting on the bill;
 - h. Amendment Number 8: Adopted with modifications to delete the exemption for voucher or electronic benefits transfer purchases from where it was moved by Amendment Number 2;
 - i. Amendment Number 9: Withdrawn by Baltimore Development Corporation;
 - j. Amendment Number 10: No motion to adopt;
 - k. Amendment Number 11: No motion to adopt;
 - l. Amendment Number 12: Held for a future meeting on the bill;
 - m. Amendment Number 13: No motion to adopt.
3. Chairman Costello explained that the Committee would hold another meeting on the bill to consider amendments related to the amount of the surcharge and the share of the surcharge that dealers may retain, the proposed revisions to Amendment Number 3, and a recommendation on the bill.

Further Study

Was further study requested?

Yes No

If yes, describe.

1. The Law Department and Health Department will discuss revisions to Amendment Number 3 with Councilmembers Henry and Clarke and report back to the Committee at the next meeting on the bill;
2. The Committee will schedule an additional meeting to consider the remaining amendments and to adopt a recommendation on the bill.

Committee Vote:

E. Costello:
M. Clarke:
J. Bullock:
L. Pinkett:
E. Reisinger:
S. Sneed:
R. Stokes:

Matthew Peters

Matthew L. Peters, Committee Staff

Date: September 23, 2019

Cc: Bill File
OCS Chrono File

Sponsor / Proposer	Amendment Text	Explanation
<p>1. Councilwoman Sneed</p>	<p>On page 2, strike lines 22 through 32 in their entirety; and, on page 3, strike 1 through 5 in their entirety; and, on that same page, in line 6, strike the subsection designator "(E)" and substitute "[B]"; and, on that same page, after line 26, insert:</p> <p><u>"(C) PLASTIC CHECKOUT BAG.</u></p> <p><u>(1) "PLASTIC CHECKOUT BAG" MEANS ANY PLASTIC BAG THAT IS:</u></p> <p><u>(I) SUPPLIED BY A DEALER AT THE POINT OF SALE, PICKUP, OR DELIVERY TO CARRY PURCHASED ITEMS;</u></p> <p><u>(II) LESS THAN 4 MILLS THICK; AND</u></p> <p><u>(III) NOT DESIGNED OR INTENDED FOR REUSE.</u></p> <p><u>(2) "PLASTIC CHECKOUT BAG" DOES NOT INCLUDE A COMPOSTABLE PLASTIC BAG THAT:</u></p> <p><u>(I) IS CERTIFIED AND LABELED AS MEETING THE ASTM D6400 STANDARD SPECIFICATION BY A RECOGNIZED VERIFICATION ENTITY; AND</u></p> <p><u>(II) IS CAPABLE OF UNDERGOING BIOLOGICAL DECOMPOSITION IN A COMPOST SITE SUCH THAT THE MATERIAL BREAKS DOWN INTO CARBON DIOXIDE, WATER, INORGANIC COMPOUNDS, AND BIOMASS AT A RATE CONSISTENT WITH KNOWN COMPOSTABLE MATERIALS.;"</u></p> <p>and, on page 4, in lines 5 and 7, in each instance, before "CHECKOUT", insert "PLASTIC"; and, on that same page, in line 14, strike "UNPACKED" and substitute "UNPACKAGED"; and, on page 6, in line 7, before "BAG", insert "CHECKOUT"; and, on page 7, in line 2, strike "§ 62-1(E)" and substitute "§ 62-1(B)"; and, on that same page, in line 9, after "PLASTIC", insert "BAG"; and, on that same page, in line 13, strike "§ 62-1(B)(2)" and substitute "§ 62-1(C)(2)"; and, on that same page, in line 14, strike "CHECKOUT" and substitute "PLASTIC CHECKOUT"; and, on that same page, strike lines 16 through 25 in their entirety; and on page 8, strike line 1 and line 2, and substitute:</p> <p><u>"CHECKOUT BAG" DOES NOT INCLUDE:</u></p> <p><u>(I) A BAG SOLELY USED TO CONTAIN:</u></p> <p><u>(A) FRESH FISH AND FRESH FISH PRODUCTS;</u></p> <p><u>(B) FRESH MEAT AND FRESH MEAT PRODUCTS;</u></p> <p><u>(C) FRESH POULTRY AND FRESH POULTRY PRODUCTS;</u></p>	<p>This amendment:</p> <ol style="list-style-type: none"> 1. Removes definitions for the Health Commissioner and Department of Health that are made superfluous by other amendments. 2. Clarifies the definition of "Plastic Checkout Bags" to include only bags that are less than 4 mills thick and are not designed or intended for reuse. 3. Distinguishes between "Plastic Checkout Bags" that are prohibited and "Checkout Bags" that are subject to the surcharge. 4. Adds "Otherwise Unpackaged Baked Goods" to the list of exclusions from the surcharge on checkout bags. 5. Makes several technical changes.

Note: Amendments may be revised by the Department of Legislative Reference to meet legal and technical standards

	<p>(D) OTHERWISE UNPACKAGED FRUITS, NUTS, OR VEGETABLES; (E) OTHERWISE UNPACKAGED CONFECTIONERY; (F) OTHERWISE UNPACKAGED FRESH CHEESE; (G) OTHERWISE UNPACKAGED BAKED GOODS; (H) ICE; (I) FOOD AND GOODS OBTAINED AT A FARMERS' MARKET; (J) PRESCRIPTION DRUGS OBTAINED FROM A PHARMACY; (K) NEWSPAPERS; OR (L) DRY-CLEANED GOODS; OR (II) A "PLASTIC CHECKOUT BAG" DESCRIBED IN CITY CODE, ARTICLE 7, § 62-1(C)(1) {"DEFINITIONS: PLASTIC CHECKOUT BAG"}";</p>	
<p>2. Councilwoman Sneed</p>	<p>On page 2, in line 8, strike "31-11" and substitute "<u>31-12</u>"; and, on that same page, in line 9, strike "Reduction" and substitute "<u>Surcharge</u>"; and, on page 4, in line 3, strike beginning with "AND" down through and including the closing brace in line 4; and, on that same page, strike lines 20 through 24 in their entirety and substitute "<u>§ 62-5. {RESERVED}</u>"; and, on page 8, at the beginning of line 13, strike "A" and substitute: "<u>EXCEPT AS PROVIDED IN § 31-4</u> <u>{\"VOUCHER OR ELECTRONIC BENEFITS TRANSFER PURCHASES\"} OF THIS SUBTITLE, A</u>"; and, on that same page, after line 19, insert:</p> <p><u>"31-4. VOUCHER OR ELECTRONIC BENEFITS TRANSFER PURCHASES.</u> <u>THE SURCHARGE IMPOSED BY THIS SUBTITLE MAY NOT BE IMPOSED ON ANY CHECKOUT</u> <u>BAG SUPPLIED TO A CUSTOMER WHO IS PURCHASING GOODS USING A VOUCHER OR</u> <u>ELECTRONIC BENEFITS TRANSFER CARD ISSUED UNDER THE FOOD SUPPLEMENT</u> <u>PROGRAM (FSP), WOMEN, INFANTS, AND CHILDREN PROGRAM (WIC), OR THE</u> <u>SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP).";</u></p> <p>and, on page 8, in line 20, on page 9, in line 22, and, on page 10, in lines 6, 12, 13, 19, 20, and on page 11, in line 3, strike the section designators "<u>§ 31-4</u>", "<u>§ 31-5</u>", "<u>§ 31-6</u>", "<u>§ 31-7</u>", "<u>§ 31-8</u>", "<u>§ 31-9</u>", "<u>§ 31-10</u>", and "<u>§ 31-11</u>", respectively, and substitute "<u>§ 31-5</u>", "<u>§ 31-6</u>", "<u>§ 31-7</u>", "<u>§ 31-8</u>", "<u>§ 31-9</u>", "<u>§ 31-10</u>", "<u>§ 31-11</u>", and "<u>§ 31-12</u>", respectively.</p>	<p>This amendment removes the exemption from the ban on certain plastic bags for voucher or electronic benefits purchases, adds an exemption to the surcharge for voucher or electronic benefits purchases, and makes several technical changes.</p>

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3. Councilwoman Sneed	<p>On page 4, in line 25, strike "RESERVED" and substitute "<u>AGENCIES TO ENFORCE</u>"; on that same page, after line 25, insert:</p> <p style="text-align: center;"><u>"ENFORCEMENT OF THIS SUBTITLE SHALL BE CONDUCTED BY "CODE ENFORCEMENT OFFICERS", AS DEFINED IN CITY CODE ARTICLE 1, § 40-1(C)."</u></p> <p>and, on page 5, in line 3, strike "THE COMMISSIONER MUST" and substitute "ANY AGENCY EMPLOYING CODE ENFORCEMENT OFFICERS RESPONSIBLE FOR ENFORCING THIS SUBTITLE UNDER § 62-6 OF THIS SUBTITLE MAY"; and, on that same page, in line 10, strike "COMMISSIONER" and substitute "<u>OFFICE OF THE MAYOR</u>"; and, on that same page, in line 11, strike "THE MAYOR AND".</p>	<p>This amendment provides authority for any code enforcement officer to enforce the provisions of the ordinance, allows any agency with authority to enforce the provisions (rather than just the Health Commissioner) to adopt rules and regulations, and requires the Office of the Mayor (rather than the Health Commissioner) to submit an annual report detailing enforcement and compliance.</p>
4. Councilwoman Sneed	<p>On page 6, strike lines 3 through 5 in their entireties and substitute:</p> <p style="text-align: center;"><u>"ANY DEALER WHO VIOLATES ANY PROVISION OF THIS SUBTITLE AFTER HAVING TWICE PREVIOUSLY BEEN FOUND TO HAVE VIOLATED THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 FOR EACH OFFENSE."</u></p>	<p>This Amendment applies the criminal penalties only after the dealer has twice previously violated the prohibition on providing plastic checkout bags, rather than on the first offense.</p>
5. Councilwoman Sneed	<p>On page 10, in lines 7, 8, and 21, in each instance, strike "DEALER" and substitute "<u>PERSON</u>".</p>	<p>This amendment replaces "dealer" with "person" for the purposes of interest and civil penalties and prohibited conduct related to the surcharge.</p>
6. Law Department	<p>Delete lines 22 through 31 on page 9 and lines 1 through 5 on page 10.</p> <p>On page 10, in line 7, insert "(A)" before "F"</p> <p>On page 10, after line 11, insert "(B) IF A DEALER FAILS TO MAKE REPORTS WHEN DUE OR FAILS TO KEEP SUITABLE RECORDS AS REQUIRED UNDER THIS SUBTITLE, THE DEALER MUST PAY THE DIRECTOR A PENALTY OF \$1,000 FOR EACH MONTH THAT REPORTS ARE NOT MADE, OR SUITABLE RECORDS ARE NOT KEPT."</p>	<p>This amendment removes the Director of Finance's authority to estimate the surcharge amount owed in the event of nonpayment and failure to keep records of the number of bags provided and replaces it with a fine for failing submit reports or to keep suitable records.</p>

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<p>7. Baltimore Development Corporation</p>	<p>On page 8, in line 16, strike "5" and substitute "7"; and, on page 9, in line 7, strike "1 CENT" and substitute "<u>5 CENTS</u>"; and, in the same line, strike "5" and substitute "7".</p>	<p>This amendment would increase the surcharge to 7 cents per bag and allow dealers to retain 5 cents of the surcharge for each bag.</p>
<p>8. Baltimore Development Corporation</p>	<p>On page 4, strike lines 20 through 25 in their entirety and substitute: <u>"§§ 62-5 TO 62-6. {RESERVED}"</u></p>	<p>This amendment would prohibit providing plastic bags for voucher or electronic benefits purchases by eliminating the exemption for those purchases in the bill.</p>
<p>9. Baltimore Development Corporation</p>	<p>On page 3, in line 18, strike "THE RETAIL SALE OF GOODS" and substitute "<u>ANY BUSINESS</u> THAT INCLUDES THE RETAIL SALE OF FOOD ITEMS"; and, on that same page, in line 24, strike "SHOP;" and substitute "TAKE-OUT FOOD STORE; OR"; and, on that same page, strike line 25 and line 26 in their entirety and substitute "<u>(E) OTHER FOOD SERVICE FACILITY HOLDING A LICENSE ISSUED BY THE COMMISSIONER OF HEALTH UNDER TITLE 6, SUBTITLE 2, OF THE HEALTH CODE OF BALTIMORE CITY.</u>"</p>	<p>This amendment would make the bill inapplicable to most retailers who do not sell food items or hold a license issued by the Health Commissioner as food service facilities.</p>
<p>10. Restaurant Association</p>	<p>On page 7 line 16, before "CHECKOUT BAG" insert: <u>(I)</u> On page 8 after line 2, insert: <u>(II) "CHECKOUT BAG" DOES NOT INCLUDE:</u> <u>(A) A PAPER BAG THAT A RESTAURANT WITH AN ON-PREMISE DINING AREA GIVES TO A CUSTOMER OR TO A DELIVERY SERVICE TO TAKE PREPARED OR LEFTOVER FOOD OR DRINK FROM THE RESTAURANT; OR</u> <u>(B) A PAPER BAG THAT A RESTAURANT MAY OPT TO USE TO PROTECT FOOD BEFORE PLACING IT INTO A CUSTOMER-PROVIDED REUSABLE BAG.</u></p> <p>On page 7 line 17 through page 8 line 2, change existing Roman numerals (I) through (X) to <u>(A)</u> through <u>(K)</u> instead.</p>	<p>This amendment would exempt paper bags provided by restaurants with on-premise dining from the surcharge and make several technical changes.</p>

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<p>11. Lorenzo Bellamy/ American Forest and Paper Association</p>	<p>Strike "PAPER OR" under the definition of "CHECKOUT BAG".</p>	<p>This amendment would exclude paper bags from the surcharge.</p>
<p>12. Lorenzo Bellamy/ American Forest and Paper Association</p>	<p>Striking Section 31.4 B(2) to eliminate the 1 cent retained by the Dealer.</p>	<p>This amendment would require dealers to remit the entire surcharge to the Director of Finance, rather than retaining 1 cent for each bag.</p>
<p>13. Lorenzo Bellamy/ American Forest and Paper Association</p>	<p>Insert language that provides Dealers to opt-in to the bag reduction program and Dealers must also have option of offering an incentive for consumers who bring their own bags. Dealers who offer the rebate are not required to charge the fee.</p>	<p>This amendment would give dealers the option of not participating in the bag reduction program and allow dealers to offer a rebate to consumers who bring their own bags instead of collecting the surcharge on bags provided to consumers. Note, it is not clear whether "bag reduction program" in the amendment is meant to include the prohibition and surcharge imposed by the bill, or the City's existing bag reduction program.</p>

Note: Amendments may be revised by the Department of Legislative Reference to meet legal and technical standards

Sponsor / Proposer	Amendment Text	Explanation
1. Councilwoman Sneed	<p>On page 2, in line 22, strike "CHECKOUT" and substitute "PLASTIC CHECKOUT"; and, on that same page, strike lines 23 through 25 in their entireties, and substitute:</p> <p>"(1) "PLASTIC CHECKOUT BAG" MEANS A PLASTIC BAG THAT IS:</p> <p>(I) SUPPLIED BY A DEALER AT NO ADDITIONAL COST AT THE POINT OF SALE, PICKUP, OR DELIVERY TO CARRY PURCHASED ITEMS; AND</p> <p>(II) NOT DESIGNED OR INTENDED FOR REUSE";</p> <p>and, on that same page, in line 26, and on page 7, in line 14, in each instance, strike "CHECKOUT" and substitute "PLASTIC CHECKOUT"; and, on page 4, in line 5 and line 7, in each instance, before "CHECKOUT", insert "PLASTIC"; and, on page 6, in line 7, before "BAG", insert "CHECKOUT"; and, on page 7, in line 9, after "PLASTIC", insert "BAG"; and, on that same page, at the beginning of line 16, insert the subparagraph designator "(I)"; and, on page 7, in line 17, in line 18, in line 19, in line 20, in line 21, in line 22, in line 23, in line 24, in line 25, and on page 8, in line 1 and in line 2, strike the designators "(I)", "(II)", "(III)", "(IV)", "(V)", "(VI)", "(VII)", "(VIII)", "(IX)", "(X)", and "(XI)", respectively, and substitute "(A)", "(B)", "(C)", "(D)", "(E)", "(F)", "(G)", "(H)", "(I)", "(J)", and "(K)", respectively; and, on page 8, after line 2, insert:</p> <p>"(II) "CHECKOUT BAG" DOES NOT INCLUDE A "PLASTIC CHECKOUT BAG" DESCRIBED IN CITY CODE, ARTICLE 7, § 62-1(B)(1) {"DEFINITIONS: PLASTIC CHECKOUT BAG"}."</p>	<p>This amendment distinguishes between 'Plastic Checkout Bags' that are prohibited and 'Checkout Bags' that are subject to the surcharge, clarifies that 'Plastic Checkout Bags' are those not designed or intended for reuse, and makes several technical changes.</p>
2. Councilwoman Sneed	<p>On page 3, strike lines 1 through 5 in their entireties; and, on that same page, in line 6, strike "(E)" and substitute "(C)".</p>	<p>This amendment removes definitions for the Health Commissioner and Department of Health that are made superfluous by other amendments.</p>

<p>3. Councilwoman Sneed</p>	<p>On page 2, in line 8, strike "31-11" and substitute "31-12"; and, on that same page, in line 9, strike "Reduction" and substitute "Surcharge"; and, on page 4, in line 3, strike beginning with "AND" down through and including the closing brace in line 4; and, on that same page, strike lines 20 through 24 in their entirety and substitute "§ 62-5. {RESERVED}"; and, on page 8, at the beginning of line 13, strike "A" and substitute: "EXCEPT AS PROVIDED IN § 31-4 OF THIS SUBTITLE, A"; and, after line 19, insert: "31-4. VOUCHER OR ELECTRONIC BENEFITS TRANSFER PURCHASES. THE SURCHARGE IMPOSED BY THIS SUBTITLE MAY NOT BE IMPOSED ON ANY CHECKOUT BAG SUPPLIED TO A CUSTOMER WHO IS PURCHASING GOODS USING A VOUCHER OR ELECTRONIC BENEFITS TRANSFER CARD ISSUED UNDER THE FOOD SUPPLEMENT PROGRAM (FSP), WOMEN, INFANTS, AND CHILDREN PROGRAM (WIC), OR THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)."; and, on page 8, in line 20, on page 9, in line 22, and, on page 10, in line 6, in line 12, in line 13, in line 19, in line 20, and on page 11, in line 3, strike the section designators "§ 31-4", "§ 31-5", "§ 31-6", "§ 31-7", "§ 31-8", "§ 31-9", "§ 31-10", and "§ 31-11", respectively, and substitute "§ 31-5", "§ 31-6", "§ 31-7", "§ 31-8", "§ 31-9", "§ 31-10", "§ 31-11", and "§ 31-12", respectively.</p>	<p>This amendment removes the exemption from the ban on certain plastic bags for voucher or electronic benefits purchases, adds an exemption to the surcharge for voucher or electronic benefits purchases, and makes several technical changes.</p>
<p>4. Councilwoman Sneed</p>	<p>On page 4, in line 25, strike "{RESERVED}" and substitute "AGENCIES TO ENFORCE."; on that same page, after line 25, insert: "ENFORCEMENT OF THIS SUBTITLE SHALL BE CONDUCTED BY "CODE ENFORCEMENT OFFICERS", AS DEFINED IN CITY CODE ARTICLE 1, § 40-1(C)."; and, on page 5, in line 3, strike "THE COMMISSIONER MUST" and substitute "ANY AGENCY EMPLOYING CODE ENFORCEMENT OFFICERS RESPONSIBLE FOR ENFORCING THIS SUBTITLE UNDER § 62-6 OF THIS SUBTITLE MAY"; and, on that same page, in line 10, strike "COMMISSIONER" and substitute "OFFICE OF THE MAYOR"; and, on that same page, in line 11, strike "THE MAYOR AND".</p>	<p>This amendment provides authority for any code enforcement officer to enforce the provisions of the ordinance, allows any agency with authority to enforce the provisions (rather than just the Health Commissioner) to adopt rules and regulations, and requires the Office of the Mayor (rather than the Health Commissioner) to submit an annual report detailing enforcement and compliance.</p>
<p>5. Councilwoman Sneed</p>	<p>On page 6, strike lines 3 through 5 in their entirety and substitute: "ANY DEALER WHO VIOLATES ANY PROVISION OF THIS SUBTITLE AFTER HAVING TWICE PREVIOUSLY BEEN FOUND TO HAVE VIOLATED THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 FOR EACH OFFENSE.".</p>	<p>This Amendment applies the criminal penalties only after the dealer has received two environmental citations, rather than on the first offense.</p>
<p>6. Councilwoman Sneed</p>	<p>On page 10, in line 7, line 8, and line 21, in each instance, strike "DEALER" and substitute "PERSON".</p>	<p>This amendment replaces 'dealer' with 'person' for the purposes of interest and civil penalties and prohibited conduct related to the surcharge.</p>

7. Law Department	<p>Delete lines 22 through 31 on page 9 and lines 1 through 5 on page 10.</p> <p>On page 10, in line 7, insert "A" before "IF"</p> <p>On page 10, after line 11, insert "(B) IF A DEALER FAILS TO MAKE REPORTS WHEN DUE OR FAILS TO KEEP SUITABLE RECORDS AS REQUIRED UNDER THIS SUBTITLE, THE DEALER MUST PAY THE DIRECTOR A PENALTY OF \$1,000 FOR EACH MONTH THAT REPORTS ARE NOT MADE, OR SUITABLE RECORDS ARE NOT KEPT."</p>	<p>This amendment removes the Director of Finance's authority to estimate the surcharge amount owed in the event of nonpayment and failure to keep records of the number of bags provided, and replaces it with a fine for failing submit reports or to keep suitable records.</p>
8. Restaurant Association	<p>On page 7 line 16, before "CHECKOUT BAG" insert:</p> <p>(I)</p> <p>On page 8 after line 2, insert:</p> <p>(II) "CHECKOUT BAG" DOES NOT INCLUDE:</p> <p>(A) A PAPER BAG THAT A RESTAURANT WITH AN ON-PREMISE DINING AREA GIVES TO A CUSTOMER OR TO A DELIVERY SERVICE TO TAKE PREPARED OR LEFTOVER FOOD OR DRINK FROM THE RESTAURANT; OR</p> <p>(B) A PAPER BAG THAT A RESTAURANT MAY OPT TO USE TO PROTECT FOOD BEFORE PLACING IT INTO A CUSTOMER-PROVIDED REUSABLE BAG.</p> <p>On page 7 line 17 through page 8 line 2, change existing Roman numerals (I) through (XI) to (A) through (K) instead.</p>	<p>This amendment would exempt paper bags provided by restaurants with on-premise dining from the surcharge, and make several technical changes.</p>
9. Baltimore Development Corporation	<p>On page 8, in line 16, strike "S" and substitute "7"; and, on page 9, in line 7, strike "1 CENT" and substitute "5 CENTS"; and, in the same line, strike "S" and substitute "7".</p>	<p>This amendment would increase the surcharge to 7 cents per bag and allow dealers to retain 5 cents of the surcharge for each bag.</p>
10. Baltimore Development Corporation	<p>On page 4, strike lines 20 through 25 in their entirety and substitute:</p> <p>"§§ 62-5 TO 62-6. (RESERVED)"</p>	<p>This amendment would prohibit providing plastic bags for voucher or electronic benefits purchases by eliminating the exemption for those purchases in the bill.</p>
11. Baltimore Development Corporation	<p>On page 3, in line 18, strike "THE RETAIL SALE OF GOODS" and substitute "ANY BUSINESS THAT INCLUDES THE RETAIL SALE OF FOOD ITEMS"; and, on that same page, in line 24, strike "SHOP," and substitute "TAKE-OUT FOOD STORE, OR"; and, on that same page, strike line 25 and line 26 in their entirety and substitute "(E) OTHER FOOD SERVICE FACILITY HOLDING A LICENSE ISSUED BY THE COMMISSIONER OF HEALTH UNDER TITLE 6, SUBTITLE 2, OF THE HEALTH CODE OF BALTIMORE CITY."</p>	<p>This amendment would make the bill inapplicable to most retailers who do not sell food items or hold a license issued by the Health Commissioner as food service facilities.</p>

12. Lorenzo Bellamy/ American Forest and Paper Association	Strike "PAPER OR" under the definition of "CHECKOUT BAG"	This amendment would exclude paper bags from the surcharge.
13. Lorenzo Bellamy/ American Forest and Paper Association	Striking Section 31.4 B(2) to eliminate the 1 cent retained by the Dealer	This amendment would require dealers to remit the entire surcharge to the Director of Finance, rather than retaining 1 cent for each bag.
14. Lorenzo Bellamy/ American Forest and Paper Association	Insert language that provides Dealers to opt-in to the bag reduction program and Dealers must also have option of offering an incentive for consumers who bring their own bags. Dealers who offer the rebate are not required to charge the fee.	It is not clear whether 'bag reduction program' in the amendment is meant to include the prohibition and surcharge imposed by the bill, or just the existing program.

Sponsor / Proposer	Amendment Text	Explanation
Councilwoman Sneed	<p>On page 2, in line 22, strike "CHECKOUT" and substitute "PLASTIC CHECKOUT"; and, on that same page, strike lines 23 through 25 in their entireties, and substitute:</p> <p>"(1) "PLASTIC CHECKOUT BAG" MEANS A PLASTIC BAG THAT IS:</p> <p>(I) SUPPLIED BY A DEALER AT NO ADDITIONAL COST AT THE POINT OF SALE, PICKUP, OR DELIVERY TO CARRY PURCHASED ITEMS; AND</p> <p>(II) NOT DESIGNED OR INTENDED FOR REUSE.";</p> <p>and, on that same page, in line 26, and on page 7, in line 14, in each instance, strike "CHECKOUT" and substitute "PLASTIC CHECKOUT"; and, on page 4, in line 5 and line 7, in each instance, before "CHECKOUT", insert "PLASTIC"; and, on page 6, in line 7, before "BAG", insert "CHECKOUT"; and, on page 7, in line 9, after "PLASTIC", insert "BAG"; and, on that same page, at the beginning of line 16, insert the subparagraph designator "(I)"; and, on page 7, in line 17, in line 18, in line 19, in line 20, in line 21, in line 22, in line 23, in line 24, in line 25, and on page 8, in line 1 and in line 2, strike the designators "(I)", "(II)", "(III)", "(IV)", "(V)", "(VI)", "(VII)", "(X)", "(X)", and "(X)", respectively, and substitute "(A)", "(B)", "(C)", "(D)", "(E)", "(F)", "(G)", "(H)", "(I)", "(J)", and "(K)", respectively; and, on page 8, after line 2, insert:</p> <p>"(II) "CHECKOUT BAG" DOES NOT INCLUDE A "PLASTIC CHECKOUT BAG" DESCRIBED IN CITY CODE, ARTICLE 7, § 62-1(B)(1) {"DEFINITIONS: PLASTIC CHECKOUT BAG"}."</p> <p>On page 3, strike lines 1 through 5 in their entireties; and, on that same page, in line 6, strike "(E)" and substitute "(C)".</p>	<p>This amendment distinguishes between 'Plastic Checkout Bags' that are prohibited and 'Checkout Bags' that are subject to the surcharge, clarifies that 'Plastic Checkout Bags' are those not designed or intended for reuse, and makes several technical changes.</p>
Councilwoman Sneed	<p>On page 2, in line 8, strike "31-11" and substitute "31-12"; and, on that same page, in line 9, strike "Reduction" and substitute "Surcharge"; and, on page 4, in line 3, strike beginning with "AND" down through and including the closing brace in line 4; and, on that same page, strike lines 20 through 24 in their entireties and substitute "§ 62-5. {RESERVED}"; and, on page 8, at the beginning of line 13, strike "A" and substitute: "EXCEPT AS PROVIDED IN § 31-4 OF THIS SUBTITLE, A"; and, after line 19, insert:</p> <p>"31-4. VOUCHER OR ELECTRONIC BENEFITS TRANSFER PURCHASES.</p> <p>THE SURCHARGE IMPOSED BY THIS SUBTITLE MAY NOT BE IMPOSED ON ANY CHECKOUT BAG SUPPLIED TO A CUSTOMER WHO IS PURCHASING GOODS USING A VOUCHER OR ELECTRONIC BENEFITS TRANSFER CARD ISSUED UNDER THE FOOD SUPPLEMENT</p>	<p>This amendment removes definitions for the Health Commissioner and Department of Health that are made superfluous by other amendments.</p> <p>This amendment adds an exemption to the surcharge for voucher or electronic benefits purchases, and makes several technical changes.</p>

	<p>PROGRAM (FSP), WOMEN, INFANTS, AND CHILDREN PROGRAM (WIC), OR THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)."; and, on page 8, in line 20, on page 9, in line 22, and, on page 10, in line 6, in line 12, in line 13, in line 19, in line 20, and on page 11, in line 3, strike the section designators "§ 31-4", "§ 31-5", "§ 31-6", "§ 31-7", "§ 31-8", "§ 31-9", "§ 31-10", and "§ 31-11", respectively, and substitute "§ 31-5", "§ 31-6", "§ 31-7", "§ 31-8", "§ 31-9", "§ 31-10", "§ 31-11", and "§ 31-12", respectively.</p>	
Councilwoman Sneed	<p>On page 4, in line 25, strike "{RESERVED}" and substitute "AGENCIES TO ENFORCE."; on that same page, after line 25, insert: "ENFORCEMENT OF THIS SUBTITLE SHALL BE CONDUCTED BY "CODE ENFORCEMENT OFFICERS", AS DEFINED IN CITY CODE ARTICLE 1, § 40-1(C)."; and, on page 5, in line 3, strike "THE COMMISSIONER MUST" and substitute "ANY AGENCY EMPLOYING CODE ENFORCEMENT OFFICERS RESPONSIBLE FOR ENFORCING THIS SUBTITLE UNDER § 62-6 OF THIS SUBTITLE MAY"; and, on that same page, in line 10, strike "COMMISSIONER" and substitute "OFFICE OF THE MAYOR"; and, on that same page, in line 11, strike "THE MAYOR AND".</p>	<p>This amendment provides authority for any code enforcement officer to enforce the provisions of the ordinance, allows any agency with authority to enforce the provisions (rather than just the Health Commissioner) to adopt rules and regulations, and requires the Office of the Mayor (rather than the Health Commissioner) to submit an annual report detailing enforcement and compliance.</p>
Councilwoman Sneed	<p>On page 6, strike lines 3 through 5 in their entireties and substitute: "ANY DEALER WHO VIOLATES ANY PROVISION OF THIS SUBTITLE AFTER HAVING TWICE PREVIOUSLY BEEN FOUND TO HAVE VIOLATED THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 FOR EACH OFFENSE."</p>	<p>This Amendment applies the criminal penalties only after the dealer has received two environmental citations, rather than on the first offense.</p>
Councilwoman Sneed	<p>On page 10, in line 7, line 8, and line 21, in each instance, strike "DEALER" and substitute "PERSON".</p>	<p>This amendment replaces 'dealer' with 'person' for the purposes of interest and civil penalties and prohibited conduct related to the surcharge.</p>
Law Department	<p>Delete lines 22 through 31 on page 9 and lines 1 through 5 on page 10. On page 10, in line 7, insert "w" before "lf" On page 10, after line 11, insert "(B) IF A DEALER FAILS TO MAKE REPORTS WHEN DUE OR FAILS TO KEEP SUIT ABLE RECORDS AS REQUIRED UNDER THIS SUBTITLE, THE DEALER MUST PAY THE DIRECTOR A PENALTY OF \$1,000 FOR EACH MONTH THAT REPORTS ARE NOT MADE, OR SUITABLE RECORDS ARE NOT KEPT."</p>	<p>This amendment removes the Director of Finance's authority to estimate the surcharge amount owed in the event of nonpayment and failure to keep records of the number of bags provided, and replaces it with a fine for failing submit reports or to keep suitable records.</p>
Restaurant Association	<p>On page 7 line 16, before "CHECKOUT BAG" insert:</p>	<p>This amendment would exempt paper bags provided by restaurants with on-premise dining from the surcharge</p>

	<p>(i) On page 8 after line 2, insert: (ii) "CHECKOUT BAG" DOES NOT INCLUDE: (A) A PAPER BAG THAT A RESTAURANT WITH AN ON-PREMISE DINING AREA GIVES TO A CUSTOMER OR TO A DELIVERY SERVICE TO TAKE PREPARED OR LEFTOVER FOOD OR DRINK FROM THE RESTAURANT; OR (B) A PAPER BAG THAT A RESTAURANT MAY OPT TO USE TO PROTECT FOOD BEFORE PLACING IT INTO A CUSTOMER-PROVIDED REUSABLE BAG. On page 7 line 17 through page 8 line 2, change existing Roman numerals (I) through (X) to (A) through (K) instead.</p>	<p>and make several technical changes.</p>
Baltimore Development Corporation	<p>On page 8, in line 16, strike "5" and substitute "7"; and, on page 9, in line 7, strike "1 CENT" and substitute "5 CENTS"; and, in the same line, strike "5" and substitute "7".</p>	<p>This amendment would increase the surcharge to 7 cents per bag and allow dealers to retain 5 cents of the</p>
Baltimore Development Corporation	<p>On page 4, strike lines 20 through 25 in their entireties and substitute: "§§ 62-5 TO 62-6. {RESERVED}"</p>	<p>This amendment would prohibit providing plastic bags for voucher or electronic benefits purchases by eliminating the exemption for those purchases in the bill.</p>
Baltimore Development Corporation	<p>On page 3, in line 18, strike "THE RETAIL SALE OF GOODS" and substitute "ANY BUSINESS THAT INCLUDES THE RETAIL SALE OF FOOD ITEMS"; and, on that same page, in line 24, strike "SHOP;" and substitute "TAKE-OUT FOOD STORE; OR"; and, on that same page, strike line 25 and line 26 in their entireties and substitute "(E) OTHER FOOD SERVICE FACILITY HOLDING A LICENSE ISSUED BY THE COMMISSIONER OF HEALTH UNDER TITLE 6, SUBTITLE 2, OF THE HEALTH CODE OF BALTIMORE CITY."</p>	<p>This amendment would make the bill inapplicable to most retailers who do not sell food items or hold a license issued by the Health Commissioner as food service facilities.</p>
Lorenzo Bellamy/American	<p>Strike "PAPER OR" under the definition of "CHECKOUT BAG"</p>	<p>This amendment would exclude paper bags from the surcharge.</p>
Lorenzo Bellamy/American	<p>Striking Section 31.4 B(2) to eliminate the 1 cent retained by the Dealer</p>	<p>This amendment would require dealers to remit the entire surcharge to the Director of Finance, rather than retaining 1 cent for each bag.</p>



**CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD**

Committee: **Judiciary** Chairperson: **Eric Costello**
 Date: **September 23, 2019** Time: **9:00 AM** Place: **Clarence "Du" Burns Chambers**
 Subject: **Ordinance - Comprehensive Bag Reduction** CC Bill Number: **19-0401**

PLEASE PRINT

ATTENDANCE ONLY

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	FOR	AGAINST	YES	NO
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Colley	Lodder		NRA	21461	clodder@ndra.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Sarah	Price		NRA	21401	spice@ndra.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Kate	Browning		Env. MD	21218	kbrunning@environmental.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Maria	Collins		DRP			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Melvin	Thompson		Restaurant Assoc. of MD	21046	mthompson@marylandrestaurants.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Turden	Craig		AEPD	21016	turden@cityofbaltimore.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ashley	Van Stone		Trash Free Maryland		ashley@trashfreemaryland.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

(* NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730. FAX: 410-396-8483.



September 21, 2019

**Letter on proposed amendments from
Trash Free Maryland / Blue Water Baltimore / Waterfront
Partnership / National Aquarium to the Judiciary Committee
regarding Council Ordinance 19-0401 Comprehensive Bag
Reduction**

Collectively we are strong supporters of this bill, knowing that legislation like this is effective at reducing waste and litter, and driving further awareness and action around consumption patterns and environmental responsibility, as we shared in our original written testimony and with the committee at the hearing on August 6.

This past Saturday, our organizations held various cleanup events as part of the International Coastal Cleanup. Hundreds of volunteers removed litter and debris from Baltimore streets and waterways, much of which were plastic bags. Below is our commentary regarding some of the proposed amendments of the bill that could compromise its efficacy and equity in implementation.

Amendment 1

Position: Support

We agree that the original definition language required modification to ensure the ban was robust, and not easy for industry or retailers to work around. The most critical change in this proposed new language is defining what the ban covers by citing the a minimum thickness for plastic for a bag to be considered reusable at 4 mils. We strongly support a 4 mil minimum thickness to minimize the potential for loopholes that manufacturers and the plastics industry can work around by offering slightly thicker bags that may be "intended for reuse" but in practice are often used once by consumers - a significant pitfall of the original statewide plastic bag ban passed in California.

Amendment 9

Position: Oppose

We believe that any disposable bag not prohibited under the ban should be subject to the surcharge for containing and carrying any goods. This scope is one of the strongest aspects of the bill compared to similar legislation in other jurisdictions, and will further advance the goals of comprehensive bag use reduction and litter prevention.

Amendment 10

Position: Oppose

The express purpose of this legislation is to *comprehensively* reduce the use of single use bags. Paper bags used for carrying containers of leftover food after dining should be subject to the surcharge. This will ensure customers consider if they need a bag and decide accordingly. It is curious that a key point of the Maryland Restaurant Association's opposition to the previously passed EPS foam food product ban cited the increase of costs to businesses they represent, but they are now advocating for a change to this ordinance that would 1) fail to properly

discourage unnecessary bag consumption and 2) ensure that restaurants would be distributing more disposable bags while also not recovering any of the cost of that bag. The surcharge will help recover, and ultimately, reduce costs associated with supplying paper bags to customers. At the very least, the current proposed language is far too broad and vague by not specifying full service, on premise dining. The current language could create space for fast food establishments or cafes within retail stores or grocery markets to be included, creating inconsistency, confusion, and continued consumption of single use bags with various environmental implications.

Amendments 11, 12 and 13

Position: Oppose

These changes would significantly modify the bill in ways that would be antithetical to the goal and intent of the legislation. The surcharge on other disposable bags is critical to driving overall source reduction, rather than a material switch by consumers to whatever checkout bag is provided at the point of sale at no cost.

Thank you for accepting these comments and for your consideration. We are grateful to Councilman Henry for introducing this ordinance and the committee's consideration of this important legislation to protect our communities, waterways, urban tree canopy, wildlife and residents.



Kate Breimann, Environment Maryland Advocate
Council Ordinance 19-0401 Comprehensive Bag Reduction
Position: Support
September 19, 2019
Judiciary Committee
Chaired by Councilmember Eric T. Costello

Environment Maryland is a citizen-based environmental advocacy organization. We work to protect clean air, clean water, and open space. We have thousands of members across the state and are based in Baltimore.

Nothing we use for a few minutes should be allowed to pollute our communities and the bay for hundreds of years—especially when we don't really need it. We want to thank the City Council for your leadership in reducing plastic pollution through a ban on foam food packaging, and we urge the council to support Council Bill 19-0401 on comprehensive bag reduction. This legislation will reduce the onslaught of plastic waste currently polluting our waterways, and will protect the diverse wildlife and beautiful places here in Maryland.

First, the urgency of this issue cannot be overstated. 676,016 plastic bags have been collected from the Harbor in the last 5 years.¹ The bags that were not collected break down into microplastics that are then easily digested by marine life. Marine species that ingest these microplastics, or that become entangled in plastic bags, can suffer extreme injury or death.² Research around the impact of microplastics on human health is a growing field, and preliminary reports show that our dependence on plastic is not only poisoning wildlife, it's poisoning us.³ More specifically, research shows that microplastics are found in the highest concentrations in children. This cannot go on.⁴

First, we want to highlight the pieces of the bill that make it one of the strongest and most comprehensive in the country. We're excited that restaurants, convenience stores, and other sales outlets are included in this legislation. Expanding beyond supermarkets makes this bill particularly effective. We are also glad to see the fee placed on paper bags, as all research shows us that the combination of a ban on plastic bags with a fee on paper bags and other reusable alternatives will encourage consumers to move away from single-use bags to reusable bags, which should be the ultimate goal of a bill of this kind.⁵ In fact, when Portland, OR passed a ban without the accompanying fee, the use of paper bags went up almost 500%.

¹ Waterfront Partnership, Mr. Trash Wheel. <https://www.mrtrashwheel.com/>

² International Union for Conservation of Nature. Issues Brief: Marine Plastics. <https://www.iucn.org/resources/issues-briefs/marine-plastics>

³ Thompson, Richard C. Moore, Charles J. vom Saal, Frederick S., and Swaan, Shanna H. "Plastics, the environment and human health: current consensus and future trends." <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2873021/>

⁴ Ibid.

⁵ Scientist Action and Advocacy Network. "Scientific support for a plastic bag reduction law." https://scaan.net/docs/ScaAN_Bags_report.pdf

We offer the following support of one amendment as proposed:

The minimum thickness for a “reusable plastic” bag should be 4 mils.

We strongly support the amendment to set the minimum thickness at 4 mils for reusable bags. Providing this minimum thickness ensures that the plastics industry is unable to market a slightly modified plastic bag as one that is intended for reuse, and imposing the same fee on those thicker plastics accomplishes the goal of shifting consumer behavior.

Without setting a minimum thickness, the loopholes open to the plastics industry are endless. This amendment greatly strengthens the bill, and we urge the council to pass it.

We also offer the following suggestion to strengthen the bill and its impact:

Compostable bags should not be seen as a viable alternative without composting infrastructure.

Nothing is compostable if there is no system in which to compost it. Landfill scientists have found 40 year old hot dogs still fully intact, and 25 year old heads of lettuce that have not even begun to break down.⁶

The most recent proposal on single-use plastics in California would have only allowed compostable plastics in localities where the product “is regularly collected and accepted for processing at public and private compost facilities.”⁷ If the city does not have curbside pickup for compost like it does recycling, then retailers would not be allowed to offer compostable plastics as an alternative. In their original bag ban bill, compostables were allowed without such a caveat. We should take notice that, less than three years after the bill took effect, they are pushing for this sort of extra specificity.

Without industrial compost facilities, these bioplastics will just be another source of pollution in our waste stream. Additionally, they are more resource intensive to create. A 2010 study found that, “bioplastics production resulted in greater amounts of pollutants, due to the fertilizers and pesticides used in growing the crops and the chemical processing needed to turn organic material into plastic. The bioplastics also contributed more to ozone depletion than the traditional plastics, and required extensive land use.”⁸

Compostable plastics are not compostable in the general waste stream and allowing them as an option, even with a fee, just creates a new medium by which to fill our landfills and pollute our water.

⁶ Grimes, William. “Seeking the Truth in Refuse.”

<https://www.nytimes.com/1992/08/13/nyregion/seeking-the-truth-in-refuse.html>

⁷ CA Legislature, SB-54 Solid Waste Packaging and Products.

https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB54

⁸ Tabone, Michaelangelo; Cregg, James J; Beckman, Eric J; Landis, Amy E. “Sustainability Metrics: Life Cycle Assessment and Green Design in Polymers”.

http://www.news.pitt.edu/sites/default/files/documents/TaboneLandis_etal.pdf

Production of single-use plastics is estimated to increase four-fold by 2050. It is far past time that our throw away culture end, when we know that there is, in fact, no “away” for plastic bags. They will persist, polluting our water, damaging our recycling system, littering our land, or they will end up in our city’s incinerator releasing toxins into our air. We strongly urge the council to vote in favor of this bill, and to consider the above suggestions as we work together to make this legislation as strong and effective as possible.

Thank you for accepting these comments.

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Judiciary Committee

Monday, September 23, 2019

9:00 AM

Du Burns Council Chamber, 4th floor, City Hall

Worksession: 19-0401

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEM SCHEDULED FOR WORKSESSION

19-0401

Comprehensive Bag Reduction

For the purpose of repealing the Plastic Bag Reduction Program; prohibiting certain dealers from supplying customers with plastic bags for use as checkout bags; authorizing certain exemptions; defining certain terms; imposing certain civil and criminal penalties; imposing a surcharge on checkout bags supplied by dealers to certain customers; and providing for special effective dates.

Sponsors:

Bill Henry, Ryan Dorsey, John T. Bullock, Shannon Sneed, Kristerfer Burnett, Mary Pat Clarke, President Brandon M. Scott, Zeke Cohen, Sharon Green Middleton, Edward Reisinger

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Judiciary Committee

Wednesday, August 28, 2019

5:00 PM

Du Burns Council Chamber, 4th floor, City Hall

Work Session: 19-0401

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 7 - Eric T. Costello, Mary Pat Clarke, John T. Bullock, Leon F. Pinkett III, Edward Reisinger, Shannon Sneed, and Robert Stokes Sr.

ITEM SCHEDULED FOR WORKSESSION

19-0401

Comprehensive Bag Reduction

For the purpose of repealing the Plastic Bag Reduction Program; prohibiting certain dealers from supplying customers with plastic bags for use as checkout bags; authorizing certain exemptions; defining certain terms; imposing certain civil and criminal penalties; imposing a surcharge on checkout bags supplied by dealers to certain customers; and providing for special effective dates.

Sponsors: Bill Henry, Ryan Dorsey, John T. Bullock, Shannon Sneed, Kristerfer Burnett, Mary Pat Clarke, President Brandon M. Scott, Zeke Cohen, Sharon Green Middleton, Edward Reisinger

Recessed.

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-543-7596
email: larry.greene@baltimorecity.gov

WORK SESSION NOTES

Bill: 19-0401

Comprehensive Bag Reduction

Committee: Judiciary
Chaired by: Councilmember Eric T. Costello

Hearing Date: August 28, 2019
Time (Beginning): 5:05 p.m.
Time (Ending): 6:45 p.m.
Location: Clarence "Du" Burns Council Chamber
Total Attendance: Approximately 45 people
Committee Members in Attendance:
Eric Costello John Bullock Edward Reisinger Robert Stokes
Mary Pat Clarke Leon Pinkett Shannon Sneed

- Bill Synopsis in the file? [X] YES [] NO [] N/A
Attendance sheet in the file? [X] YES [] NO [] N/A
Agency reports read? [X] YES [] NO [] N/A
Hearing televised or audio-digitally recorded? [] YES [X] NO [] N/A
Certification of advertising/posting notices in the file? [] YES [] NO [X] N/A
Evidence of notification to property owners? [] YES [] NO [X] N/A
Final vote taken at this hearing? [] YES [X] NO [] N/A
Motioned by: NA
Seconded by: NA
Final Vote:

Major Speakers
(This is not an attendance record.)

NA

Major Issues Discussed

1. Chairman Costello called the work session to order and explained that the Committee would be reviewing proposed amendments in the spreadsheet handout (in file).
2. A representative from the Law Department explained its proposed amendment. Councilman Henry noted that the amendment should delete lines beginning at 23 rather than 22.
3. A representative from the Baltimore Development Corporation (BDC) explained its second amendment. The Law Department noted that eliminating the exemption for purchases made with public benefits would not violate government guidelines. Councilman Henry explained that the purpose of the exemption in the bill was to avoid adding a financial burden for low income customers.
4. BDC's representative explained its third proposed amendment and noted that as drafted it would have a broader effect than intended. BDC will work with the Department of Legislative Reference to refine the amendment.
5. Councilwoman Sneed and Councilman Henry explained the amendments submitted by Councilwoman Sneed on Councilman Henry's behalf. The Law Department noted that the enforcement authority should go to specific agencies rather than code enforcement officers generally, and that reports should come from the agencies instead of the Mayor's Office. Councilman Henry noted that having each agency submit a report would result in multiple reports and more burden for those reviewing them.
6. Committee members discussed whether the bill should include provisions for warnings prior to fines for violations.
7. A representative from the Restaurant Association explained their proposed amendment.
8. A representative from the American Forest and Paper Association explained their proposed amendments and noted that they would like to withdraw their proposed amendment to delay implementation.
9. BDC's representative explained its first proposed amendment. Councilmembers and a representative from the Maryland Retailers Association discussed the cost of plastic and paper bags. Councilman Henry noted that the surcharge is not intended to raise revenue for the City, but that some of it is needed to cover implementation costs. He also explained that funds from the surcharge could be used by the City to distribute reusable bags to low income residents.
10. Chairman Costello explained that the Committee would hold another work session on the bill on September 23 at 9 a.m. and that the spreadsheet of proposed amendments (with formatting and other corrections) would be posted online (see attached).

Further Study

Was further study requested?

Yes No

If yes, describe.

The Committee will hold another work session on Monday, September 23, 2019 at 9 a.m.

Committee Vote:

E. Costello:
M. Clarke:
J. Bullock:
L. Pinkett:
E. Reisinger:
S. Sneed:
R. Stokes:

Matthew Peters

Matthew L. Peters, Committee Staff

Date: August 28, 2019

Cc: Bill File
OCS Chrono File



CITY OF BALTIMORE

CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Judiciary Chairperson: Eric Costello
 Date: August 28, 2019 Time: 5:00 PM Place: Clarence "Du" Burns Chambers
 Subject: Ordinance - Comprehensive Bag Reduction CC Bill Number: 19-0401

PLEASE PRINT

ATTENDANCE ONLY

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	WHAT IS YOUR POSITION ON THIS BILL?	LOBBYIST: ARE YOU REGISTERED IN THE CITY
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	FOR	YES
Robert	Johnson		One State Circle Annapolis	21401	robertjohnson@statehighways.com		YES
Sarah	Peters		880 Penne George St Baltimore	21401	sarah@belknapymgm.com		NO
Emily	Scarv		Maryland PIRG		emily@marylandpirg.org	X	X
Terrel	Asken		United Workers	21218	askenTerrel@gmail.com	X	
Murray	Collins		DPUG				
Janelle	Mummeley		DPUG				
Kevin	Kriescher		4 E 32 St DE	21218	kkriescher@hotmail.com	X	X
Cheryl	Lodolais		MRA	21401	clodolais@mdra.org		X
Melvin	Thompson		Restaurant Assoc. of MD	21016	mthompson@marylandrestaurantb.com		X
Ellen	Valentino		MADDA	21104	ellenvalentinofine.com		X

(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.



**CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD**

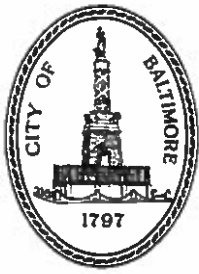
Committee: **Judiciary** Chairperson: **Eric Costello**
 Date: **August 28, 2019** Time: **5:00 PM** Place: **Clarence "Du" Burns Chambers**
 Subject: **Ordinance - Comprehensive Bag Reduction** CC Bill Number: **19-0401**

PLEASE PRINT

ATTENDANCE ONLY

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	FOR	AGAINST	YES	NO
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Jordan	Craig		American Forest & Paper Assoc		jordan-craig@attendba.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.



MEMORANDUM

Subject | 19-0401 Update

Date | August 28, 2019

The following memo is a joint analysis between the Council President's Fiscal Analyst and the Bureau of the Budget and Management Research.

Updated Projections

Table 1: Plastic Bag Revenue Projection

	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>
Plastic Bags					
<i>Bags per Capita</i>	365	365	365	365	365
<i>Population</i>	664,000	664,000	664,000	664,000	664,000
<i>Total Bags</i>	242,360,000	242,360,000	242,360,000	242,360,000	242,360,000
<i>Bag Reduction</i>	50%	60%	65%	65%	65%
<i>Exempt Adjustment</i>	35%	35%	35%	35%	35%
<i>Bags Taxed</i>	78,767,000	63,013,600	55,136,900	55,136,900	55,136,900
Revenue					
<i>Business Compliance</i>	75%	80%	85%	85%	85%
<i>Revenue @ \$0.05</i>	\$ 2,953,763	\$ 2,520,544	\$ 2,343,318	\$ 2,343,318	\$ 2,343,318
<i>Less \$0.01</i>	\$ (590,753)	\$ (504,109)	\$ (468,664)	\$ (468,664)	\$ (468,664)
<i>Less City Costs</i>	\$ (282,000)	\$ (75,000)	\$ (75,000)	\$ (75,000)	\$ (75,000)
<i>Net Revenue</i>	\$ 2,081,010	\$ 1,941,435	\$ 1,799,655	\$ 1,799,655	\$ 1,799,655

Table 1 Assumptions

We began our projection with a global per capita bag usage estimate. National Geographic estimates that in the United States, the average citizen uses approximately one disposable plastic bag per day, or approximately 365 per year. We then calculated the total number of shoppers as 664,000, which includes 502,000 residents 16 years or older and 162,000 daily commuter shoppers. For bag reduction and business compliance rates, we looked at the experience of many cities, but focused on Washington, D.C., which shares many demographic and regional characteristics with Baltimore. Research has documented that approximately 50% of shoppers shift to reusable bags after a surcharge or ban is implemented. We also adjusted for exempt consumers, which includes shoppers who use a voucher or electronic benefits

transfer card issued under the Food Supplement Program (FSP), Women, Infants and Children Program (WIC), or the Supplemental Nutrition Assistance Program (SNAP).

Based on Finance's research, as well as experience adding similar taxes in the past, we expect a first-year implementation cost of \$282,000. This includes one-time changes to tax payment software, an online payments interface, and dedicated resources from Baltimore City Information Technology (BCIT) management services and the Bureau of Revenue Collections. \$75,000 of the cost is expected to be recurring. Additionally, the Department of Planning's Office of Sustainability expects to spend a nominal amount on printing costs and materials. Section 4 of this Bill stipulates that the Office of Sustainability, in partnership with other City agencies, must conduct outreach and education for the benefit of the general public and affected businesses. This campaign includes providing signs at points of sale and storefronts, media buys and placements, and public service announcements.

Table 2: Cost to Businesses

Small Retailers	Large Retailers
Utilization Scenarios (Small Retailers)*	Utilization Scenarios (Large Retailers)*
65% average utilization reduction 90% high-end utilization reduction 30% low-end utilization reduction	65% average utilization reduction 90% high-end utilization reduction 30% low-end utilization reduction
<i>No Behavior Change</i>	<i>No Behavior Change</i>
\$80.00 weekly cost \$4,160.00 annual cost \$2,860.00 annual premium	\$500.00 weekly cost \$26,000.00 annual cost \$24,440.00 annual premium
<i>65% Customers Use Reusable Bags</i>	<i>65% Customers Use Reusable Bags</i>
\$19.25 weekly cost \$1,001.00 annual cost (\$299.00) annual premium	\$164.50 weekly cost \$8,554.00 annual cost \$6,994.00 annual premium
<i>90% Customers Use Reusable Bags</i>	<i>90% Customers Use Reusable Bags</i>
\$5.50 weekly cost \$286.00 annual cost (\$1,014.00) annual premium	\$47.00 weekly cost \$2,444.00 annual cost \$884.00 annual premium
<i>30% Customers Use Reusable Bags</i>	<i>30% Customers Use Reusable Bags</i>
\$38.50 weekly cost \$2,002 annual cost \$702 annual premium	\$329.00 weekly cost \$17,108.00 annual cost \$15,548.00 annual premium

**Notes:*

- Assumes 1,000 disposable bags weekly
- Cost of \$80/1,000 paper, \$25/1,000 plastic

**Notes:*

- Assumes 10,000 disposable bags weekly
- Cost of \$50/1,000 paper, \$3/1,000 plastic

Table 2 Assumptions

We began our projection with the cost per 1,000 paper and plastic bags for small and large retailers and calculated the difference between these costs to assess the impact on retailers. Based on testimony received, we assumed that paper bags cost \$0.08 for small retailers and \$0.05 for large retailers. We assumed that small retailers use 1,000 disposable bags per week and large retailers use 10,000 disposable bags per week. With these numbers and assumptions, we calculated costs and premiums at different rates of shoppers using reusable bags.

Common Misconceptions about Bag Taxes

This will put retailers out of business

On average, it will cost small retailers an additional \$55 per 1,000 paper bags to make the switch from plastic to paper checkout bags. On average, it will cost large retailers an additional \$47 per 1,000 paper bags to make the switch from plastic to paper checkout bags. Retailers will experience an increase to their fixed costs.

However, most retailers that must comply under this legislation sell inelastic goods. Inelastic goods are items that cannot be substituted. An individual or family will not be able to buy necessary food items by going to another grocery store, because all stores in Baltimore City are subject to the regulations of 19-0401. Therefore, retailers are able to pass on the cost of this bag tax by increasing the price of all of their goods by a marginal amount to offset the cost of this bag tax. It is unclear what this marginal increase in price of inelastic goods would be.

It is unreasonable to assume that a nominal bag tax, that can be passed on to the consumer in the form of overall price increases, will put retailers out of business.

This is a burden on businesses, retailers should get the full fee

This legislation does require retailers to remit a portion of the bag tax, as well as report on single use bag usage by their customers. It is because of this requirement that retailers are allowed to keep a portion of the bag tax. Moreover, there are cities around the country that either keep the entire bag tax, or allow retailers to keep a portion.

City	Effective Year	Type	Charge	Where does it go	SNAP/WIC provisions
Avon, CO	2019	Plastic Bag Ban/Bag Fee	\$0.10	\$0.02 goes to the City, \$0.08 to the retailer. After the first year, 100% of the fee went straight to the retailer.	Exempts SNAP/WIC customers from the fee.

Chicago, IL	2018	Bag Fee	\$0.07	\$0.05 goes to the City, \$0.02 goes to the retailer.	Exempts SNAP/WIC customers from the fee.
Montgomery County, MD	2012	Bag Fee	\$0.05	\$0.04 goes to the City (specifically County's <u>Water Quality Protection Charge</u> (WQPC) fund), \$0.01 goes to the retailer.	No Provisions
DC	2010	Bag Fee	\$0.05	\$0.04 goes to the District, \$0.01 goes to the retailer.	No provisions

This tax won't produce that much revenue

As behaviors change, it is likely that revenues will decrease from the amounts seen in the initial years of implementation. However, we expect that this revenue will plateau and maintain at a steady rate as some shoppers do not change their behavior. The total revenue produced at this time may be a modest amount, but it is sizeable enough to fund services and programs that benefit residents. Given Baltimore's position as an older city with declining population, high service demands, and a low tax base, the City's General Fund faces unrelenting pressure to stay balanced. The City will also soon face significant new costs, such as State-mandated education costs from the Kirwan Commission, the cost to replace an aging Convention Center, and IT investments to comply with the Federal Police consent decree, just to name a few. The City can't count on continued economic growth, as the national economy has now recorded ten consecutive years of GDP growth (the longest since World War II), making a recession more likely in the near future. In the context of these fiscal realities, even modest recurring bag surcharge revenue of \$1.6 million can benefit the City and should go to the City's General Fund.

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Judiciary Committee

Wednesday, August 28, 2019

5:00 PM

Du Burns Council Chamber, 4th floor, City Hall

Work Session: 19-0401

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEM SCHEDULED FOR WORKSESSION

19-0401

Comprehensive Bag Reduction

For the purpose of repealing the Plastic Bag Reduction Program; prohibiting certain dealers from supplying customers with plastic bags for use as checkout bags; authorizing certain exemptions; defining certain terms; imposing certain civil and criminal penalties; imposing a surcharge on checkout bags supplied by dealers to certain customers; and providing for special effective dates.

Sponsors:

Bill Henry, Ryan Dorsey, John T. Bullock, Shannon Sneed, Kristerfer Burnett, Mary Pat Clarke, President Brandon M. Scott, Zeke Cohen, Sharon Green Middleton, Edward Reisinger

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Judiciary Committee

Tuesday, August 6, 2019

9:01 AM

Du Burns Council Chamber, 4th floor, City Hall

19-0401

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

- Present** 5 - Eric T. Costello, John T. Bullock, Edward Reisinger, Shannon Sneed, and Robert Stokes Sr.
- Absent** 2 - Mary Pat Clarke, and Leon F. Pinkett III

ITEM SCHEDULED FOR PUBLIC HEARING

19-0401

Comprehensive Bag Reduction

For the purpose of repealing the Plastic Bag Reduction Program; prohibiting certain dealers from supplying customers with plastic bags for use as checkout bags; authorizing certain exemptions; defining certain terms; imposing certain civil and criminal penalties; imposing a surcharge on checkout bags supplied by dealers to certain customers; and providing for special effective dates.

Sponsors: Bill Henry, Ryan Dorsey, John T. Bullock, Shannon Sneed, Kristerfer Burnett, Mary Pat Clarke, President Brandon M. Scott, Zeke Cohen, Sharon Green Middleton, Edward Reisinger

Hearing recessed. The Committee will schedule a work session at a later date.

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

HEARING NOTES

Bill: 19-0401

Comprehensive Bag Reduction

Committee: Judiciary
Chaired by: Councilmember Eric T. Costello

Hearing Date: August 6, 2019
Time (Beginning): 9:05 a.m.
Time (Ending): 10:35 a.m.
Location: Clarence "Du" Burns Council Chamber
Total Attendance: Approximately 70 people
Committee Members in Attendance:
Eric Costello John Bullock Edward Reisinger
Shannon Sneed Robert Stokes

Form with checkboxes for Bill Synopsis in the file?, Attendance sheet in the file?, Agency reports read?, Hearing televised or audio-digitally recorded?, Certification of advertising/posting notices in the file?, Evidence of notification to property owners?, Final vote taken at this hearing?, Motioned by?, Seconded by?, Final Vote?

Major Speakers

(This is not an attendance record.)

- Marcia Colins, Department of Public Works
Robert Cename, Department of Finance
D'Paul Nibber, Department of Health
Jessica Speaker, Department of Health

Major Issues Discussed

1. Chairman Costello called the work session to order and explained that the work session was relocated to the War Memorial Building because of elevator problems in City Hall.
2. The Committee voted to reconsider and reverse the amendment adopted at the October 7, 2019 work session that would have replaced "Less than 4 mils thick" with "Less than 2.25 mils thick" in the definition of "Plastic Checkout Bag."
3. The Committee considered and adopted an amendment changing the amount of the surcharge that dealers are allowed to retain from 1 cent to 4 cents (amendment in file).
4. Hilary Ruley from the Law Department discussed the possibility of State legislation to regulate plastic bags statewide and how such legislation could impact the City's implementation of this ordinance.

Further Study

Was further study requested?

Yes No

If yes, describe.

Committee Vote:

E. Costello: Yea
M. Clarke: Yea
J. Bullock: Yea
L. Pinkett: Yea
E. Reisinger: Yea
S. Sneed: Yea
R. Stokes: Yea

Matthew Peters

Matthew L. Peters, Committee Staff

Date: October 28, 2019

Cc: Bill File
OCS Chrono File



Baltimore City Council Committee Hearing Attendance Record

Subject: Ordinance - Comprehensive Bag Reduction	Bill #: 19-0401
Committee: Judiciary	Chair: Eric Costello
Date: Monday, October 28, 2019	Time: 2:00 PM
Location: War Memorial	

PLEASE PRINT CLEARLY

ATTENDANCE ONLY

First Name	Last Name	Address / Organization / Email	What is your position on this bill?		Lobbyist: Are you registered in the City?*	
			For	Against	Yes	No
John	Doe	400 N. Holliday St. Johndoenbmore@yahoo.com	✓	✓	✓	✓
Laura	Bankey	901 E. Fayette St Baltimore MD 21202 National Aquarium <i>lbankey@aquaria.org</i>	✓	✓		✓
Carley	Lodolair	MRA			✓	
Steve	Klein	ShopMe				
Merisha	Klein	yc				
Taylor	Smith-Hans	Blue Water Baltimore		✓		
Maggie	Ostdahl	National Aquarium		✓		✓
Adam	Lindquist	Waterfront Partnership		✓		
Stephanie	Murdock	DHCD				

*NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD AS A LOBBYIST. REGISTRATION CAN BE DONE ONLINE AND IS A SIMPLE PROCESS. FOR INFORMATION VISIT: [HTTPS://ETHICS.BALTIMORECITY.GOV/](https://ethics.baltimorecity.gov/) OR CALL: 410-396-4730



Baltimore City Council Committee Hearing Attendance Record

Subject: Ordinance - Comprehensive Bag Reduction	Bill #: 19-0401
Committee: Judiciary	Chair: Eric Costello
Date: Monday, October 28, 2019	Time: 2:00 PM
Location: War Memorial	

PLEASE PRINT CLEARLY

ATTENDANCE ONLY

First Name	Last Name	Address / Organization / Email		What is your position on this bill?		Lobbyist: Are you registered in the City?*	
				For	Against	Yes	No
John	Doe	400 N. Holliday St. Johndoenbmore@yahoo.com	✓	✓	✓	✓	✓
Lorenzo	Rellamy	BGG/AF/PA			✓	✓	
Kate	Bryhana	Environment MD		✓		✓	
Jordan	Craig	AF/PA			✓	✓	
Abby	Cocke	Planning Dept.		✓			
Melvin	Thompson	Restaurant Assoc. of MD				✓	

*NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD AS A LOBBYIST. REGISTRATION CAN BE DONE ONLINE AND IS A SIMPLE PROCESS. FOR INFORMATION VISIT: [HTTPS://ETHICS.BALTIMORECITY.GOV/](https://ethics.baltimorecity.gov/) OR CALL: 410-396-4730

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**AMENDMENTS TO COUNCIL BILL 19-0401
(1st Reader Copy)**

Proposed by:

{To be offered to the Judiciary Committee}

Amendment No. 1 {Alteration of surcharge}

On page 9, in line 7, strike "1 CENT" and substitute "4 CENTS".

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Meeting Agenda - Final

Judiciary Committee

Monday, October 28, 2019

2:00 PM

War Memorial Building, 101 N. Gay Street,
Baltimore, MD 21202

Work Session: 19-0401
Rescheduled from 10-22-19
CHARM TV 25

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEM SCHEDULED FOR WORK SESSION

19-0401

Comprehensive Bag Reduction

For the purpose of repealing the Plastic Bag Reduction Program; prohibiting certain dealers from supplying customers with plastic bags for use as checkout bags; authorizing certain exemptions; defining certain terms; imposing certain civil and criminal penalties; imposing a surcharge on checkout bags supplied by dealers to certain customers; and providing for special effective dates.

Sponsors:

Bill Henry, Ryan Dorsey, John T. Bullock, Shannon Sneed, Kristerfer Burnett, Mary Pat Clarke, President Brandon M. Scott, Zeke Cohen, Sharon Green Middleton, Edward Reisinger

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Meeting Minutes - Final

Judiciary Committee

Monday, October 7, 2019

1:00 PM

Du Burns Council Chamber, 4th floor, City Hall

Work Session: 19-0401

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

- Present** 6 - Eric T. Costello, Mary Pat Clarke, John T. Bullock, Leon F. Pinkett III, Shannon Sneed, and Robert Stokes Sr.
- Absent** 1 - Edward Reisinger

ITEM SCHEDULED FOR WORKSESSION

19-0401

Comprehensive Bag Reduction

For the purpose of repealing the Plastic Bag Reduction Program; prohibiting certain dealers from supplying customers with plastic bags for use as checkout bags; authorizing certain exemptions; defining certain terms; imposing certain civil and criminal penalties; imposing a surcharge on checkout bags supplied by dealers to certain customers; and providing for special effective dates.

Sponsors: Bill Henry, Ryan Dorsey, John T. Bullock, Shannon Sneed, Kristerfer Burnett, Mary Pat Clarke, President Brandon M. Scott, Zeke Cohen, Sharon Green Middleton, Edward Reisinger

Recessed.

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.green@baltimorecity.gov

WORK SESSION NOTES

Bill: 19-0401

Comprehensive Bag Reduction

Committee: Judiciary
Chaired by: Councilmember Eric T. Costello

Hearing Date: October 7, 2019
Time (Beginning): 1:10 PM
Time (Ending): 1:40 PM
Location: Clarence "Du" Burns Council Chamber
Total Attendance: Approximately 45 people
Committee Members in Attendance:
Eric Costello John Bullock Robert Stokes
Mary Pat Clarke Leon Pinkett Shannon Sneed

Bill Synopsis in the file?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Attendance sheet in the file?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Agency reports read?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Hearing televised or audio-digitally recorded?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A
Certification of advertising/posting notices in the file?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
Evidence of notification to property owners?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
Final vote taken at this hearing?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A
Motioned by:	NA		
Seconded by:	NA		
Final Vote:			

Major Speakers

(This is not an attendance record.)

NA

Major Issues Discussed

1. Chairman Costello called the work session to order and explained that the Committee would be considering three amendments during the work session.
2. Chairman Costello explained the two amendments offered by the Health Department (in file). The Committee considered and adopted the amendments.
3. Chairman Costello explained the amendment proposed by the Maryland Retailers Association to replace "Less than 4 mils thick" with "Less than 2.25 mils thick" in the definition of "Plastic Checkout Bag" proposed by the amendments adopted by the Committee during the September 23, 2019 work session.
4. The council members in attendance discussed the Maryland Retailers Association amendment:
 - a. Councilman Henry noted that although California adopted 2.25 mils as the standard in state law, several local jurisdictions in California adopted 4 mils as their standard because 2.25 mil bags were not different enough from disposable bags to change customer behavior.
 - b. Councilman Pinkett asked for an explanation of the difference between 2.25 mil and 4 mil bags. Cailey Locklair from the Maryland Retailers Association gave several examples of bag thicknesses, including that most disposable plastic grocery bags are 0.5 mils thick.
 - c. Councilwoman Sneed asked whether 2.25 mil bags are reusable. Ms. Locklair stated that they are designed to be reusable up to 120 times.
 - d. Representatives from the Baltimore Development Corporation deferred to the retailers when asked its position on the amendment.
5. The Committee voted four to two to adopt the Maryland Retailers Association amendment.

Further Study

Was further study requested?

Yes No

If yes, describe.

Committee Vote:

E. Costello:
M. Clarke:
J. Bullock:
L. Pinkett:
E. Reisinger:
S. Sneed:
R. Stokes:

Matthew Peters

Matthew L. Peters, Committee Staff

Date: October 7, 2019

Cc: Bill File
OCS Chrono File



CITY OF BALTIMORE CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Judiciary **Chairperson:** Eric Costello
Date: Monday, October 7, 2019 **Place:** Clarence "Du" Burns Chambers
Time: 1:00 PM **CC Bill Number:** 19-0401
Subject: Ordinance - Comprehensive Bag Reduction

PLEASE PRINT

A T T E N D A N C E O N L Y

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	WHAT IS YOUR POSITION ON THIS BILL?		(*) LOBBYIST : ARE YOU REGISTERED IN THE CITY
						FOR	AGAINST	
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	✓	✓	✓
Robert	Johnson		One State Circle Annapolis	21401	robertjohnson@capitol-sta-hydr.com			✓
Dwight	Minnett Jr.			21221	dwright.minnett@reginald.com			
Adam	Lindquist	650	S. Exeter St, #200	21202	Adam@waterfrontpartnership.org	✓		
Jaxen	Hessley	417	E Fayette St 361	21202				
Lorana	Bellamy		22015 St Annapolis	21401	lorana@bellamy.com		✓	✓
Kate	Breiman		Environment MD	21218		✓		✓
Jerry	Gordon		EDDIE'S MARKET	21218	Jerry@eddiesmarket.com			
Abby	Cocke		Office of Sustainability	21202	abby.cocke@baltimore.gov	✓		
Mehin	Thompson		Restaurant Association	21046	mthompson@marylandrestaurant.org			✓
Jennifer	Kurtz		Clean Water Action	21223	jkurtz@cleanwater.org	✓		

(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.



CITY OF BALTIMORE CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Judiciary Chairperson: Eric Costello
 Date: Monday, October 7, 2019 Time: 1:00 PM
 Subject: Ordinance - Comprehensive Bag Reduction Place: Clarence "Du" Burns Chambers
CC Bill Number: 19-0401

PLEASE PRINT

A T T E N D A N C E O N L Y

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	WHAT IS YOUR POSITION ON THIS BILL?		(*) LOBBYIST : ARE YOU REGISTERED IN THE CITY	
						FOR	AGAINST	YES	NO
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	✓	✓	✓	✓
Selmon	Brooks	415	North Charles Street Clean Water Action	21203	Selmon.brooks@360mail.com	✓			
JENNIFER	Henry		Office of Sustainability	21209	johanna.mery@city.gov	✓			
Anika	Ricketts		Office of Sustainability	21218		✓			

(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.

AMENDMENTS TO COUNCIL BILL 19-0401
(1st Reader Copy)

Proposed by: the Health Department
{To be offered to the Judiciary Committee}

Amendment No. 1 {Striking Rules and Regulation section}

On page 5, strike lines 1 through 7 in their entireties and substitute “§ 62-7. {RESERVED}”.

Amendment No. 2 {Publishing data}

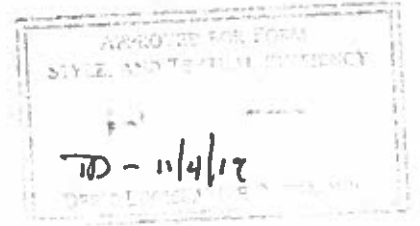
On page 5, strike lines 8 through 18 and substitute:

“§ 62-8. DATA REPORTING.

THE BALTIMORE CITY DEPARTMENT OF INFORMATION TECHNOLOGY, USING
AVAILABLE DATA FROM THE 311 SYSTEM AND THE ENVIRONMENTAL CONTROL
BOARD, SHALL PUBLISH DATA ON THE OPEN BALTIMORE WEB PORTAL THAT REFLECTS:

- (1) THE NUMBER OF COMPLAINTS RECEIVED BY THE CITY OF BALTIMORE UNDER
THIS SUBTITLE; AND
- (2) THE NUMBER OF CITATIONS ISSUED UNDER THIS SUBTITLE.”.

AMENDMENTS TO COUNCIL BILL 19-0401
(1" Reader Copy)



By: Judiciary Committee

Amendment No. 1

On page 2, strike lines 22 through 32 in their entireties; and, on page 3, strike 1 through 5 in their entireties; and, on that same page, in line 6, strike the subsection designator "(E)" and substitute "(B)"; and, on that same page, after line 26, insert:

"(C) PLASTIC CHECKOUT BAG.

(1) "PLASTIC CHECKOUT BAG" MEANS ANY PLASTIC BAG THAT IS:

(I) SUPPLIED BY A DEALER AT THE POINT OF SALE, PICKUP, OR DELIVERY TO CARRY PURCHASED ITEMS;

(II) LESS THAN 4 MILS THICK; AND

(III) NOT DESIGNED OR INTENDED FOR REUSE.

(2) "PLASTIC CHECKOUT BAG" DOES NOT INCLUDE A COMPOSTABLE PLASTIC BAG THAT:

(I) IS CERTIFIED AND LABELED AS MEETING THE ASTM D6400 STANDARD SPECIFICATION BY A RECOGNIZED VERIFICATION ENTITY; AND

(II) IS CAPABLE OF UNDERGOING BIOLOGICAL DECOMPOSITION IN A COMPOST SITE SUCH THAT THE MATERIAL BREAKS DOWN INTO CARBON DIOXIDE, WATER, INORGANIC COMPOUNDS, AND BIOMASS AT A RATE CONSISTENT WITH KNOWN COMPOSTABLE MATERIALS.";

and, on page 4, in lines 5 and 7, in each instance, before "CHECKOUT", insert "PLASTIC"; and, on that same page, in line 14, strike "UNPACKED" and substitute "UNPACKAGED"; and, on page 6, in line 7, before "BAG", insert "CHECKOUT"; and, on page 7, in line 2, strike "§ 62-1(E)" and substitute "§ 62-1(B)"; and, on that same page, in line 9, after "PLASTIC", insert "BAG"; and, on that same page, in line 13, strike "§ 62-1(B)(2)" and substitute "§ 62-1(C)(2)"; and, on that same page, in line 14, strike "CHECKOUT" and substitute "PLASTIC CHECKOUT"; and, on that same page, strike lines 16 through 25 in their entireties, and on page 8, strike line 1 and line 2, and substitute:

“CHECKOUT BAG” DOES NOT INCLUDE:

(I) A BAG SOLELY USED TO CONTAIN:

(A) FRESH FISH AND FRESH FISH PRODUCTS;

(B) FRESH MEAT AND FRESH MEAT PRODUCTS;

(C) FRESH POULTRY AND FRESH POULTRY PRODUCTS;

(D) OTHERWISE UNPACKAGED FRUITS, NUTS, OR VEGETABLES;

(E) OTHERWISE UNPACKAGED CONFECTIONERY;

(F) OTHERWISE UNPACKAGED FRESH CHEESE;

(G) OTHERWISE UNPACKAGED BAKED GOODS;

(H) ICE;

(I) FOOD AND GOODS OBTAINED AT A FARMERS' MARKET;

(J) PRESCRIPTION DRUGS OBTAINED FROM A PHARMACY;

(K) NEWSPAPERS; OR

(L) DRY-CLEANED GOODS; OR

(II) A “PLASTIC CHECKOUT BAG” DESCRIBED IN CITY CODE, ARTICLE 7, § 62-1(C)(1) {“DEFINITIONS: PLASTIC CHECKOUT BAG”}.”;

Amendment No. 2

On page 2, in line 9, strike “Reduction” and substitute “SURCHARGE”; and, on page 4, in line 3, strike beginning with “AND” down through and including the closing brace in line 4; and, on that same page, strike lines 20 through 25 in their entirety and substitute “§§ 62-5 TO 62-6. [RESERVED]”.

Amendment No. 3

On page 5, strike lines 1 through 7 in their entirety.

Amendment No. 4

On page 5, strike lines 8 through 19 in their entireties and substitute:

“§ 62-7. DATA REPORTING.

THE BALTIMORE CITY DEPARTMENT OF INFORMATION TECHNOLOGY, USING AVAILABLE DATA FROM THE 311 SYSTEM AND THE ENVIRONMENTAL CONTROL BOARD, SHALL PUBLISH DATA ON THE OPEN BALTIMORE WEB PORTAL THAT REFLECTS:

(1) THE NUMBER OF COMPLAINTS RECEIVED BY THE CITY OF BALTIMORE UNDER THIS SUBTITLE; AND

(2) THE NUMBER OF CITATIONS ISSUED UNDER THIS SUBTITLE.

§§ 62-8 TO 62-9. {RESERVED}”.

Amendment No. 5

On page 6, strike lines 3 through 5 in their entireties and substitute:

“ANY DEALER WHO VIOLATES ANY PROVISION OF THIS SUBTITLE AFTER HAVING TWICE RECEIVED AN ENVIRONMENTAL CITATION, EACH RESULTING IN ANY FINAL DISPOSITION OTHER THAN NOT GUILTY, IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 FOR EACH OFFENSE.”.

Amendment No. 6

On page 9, in line 7, strike “1 CENT” and substitute “4 CENTS”.

Amendment No. 7

On page 9, strike lines 22 through 31 in their entireties; and, on page 10, strike lines 1 through 5 in their entireties and substitute "§ 31-5. ~~RESERVED~~"; and, on that same page, after line 6, insert "(A) FAILURE TO REMIT SURCHARGE."; and, on that same page, after line 11, insert:

"(B) FAILURE TO FILE REPORTS; MAINTAIN RECORDS.

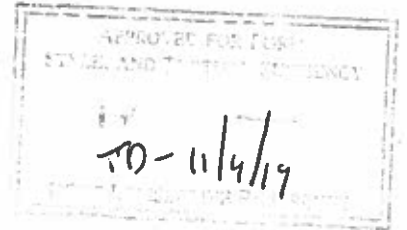
IF A PERSON FAILS TO SUBMIT THE REMITTANCE REPORTS OR FAILS TO KEEP SUITABLE RECORDS AS REQUIRED BY § 31-4 OF THIS SUBTITLE, THE PERSON MUST PAY THE DIRECTOR, IN ADDITION TO THE SURCHARGE, A PENALTY OF \$1,000 FOR EACH MONTH THAT REPORTS ARE NOT SUBMITTED OR FOR EACH MONTH THAT SUITABLE RECORDS ARE NOT KEPT."

Amendment No. 8

On page 10, in lines 7, 8, and 21, in each instance, strike "DEALER" and substitute "PERSON".

**AMENDMENTS TO THE COMMITTEE AMENDMENTS TO COUNCIL BILL 19-0401
(1" Reader Copy)**

By: Councilmember Henry
{To be offered on the Council Floor}



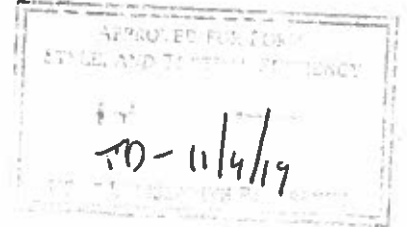
Amendment No. 1

In Committee Amendment No. 1, on page 1 of the Amendments, in (C)(1)(i), after the semi-colon insert "AND"; and, in (C)(1)(ii), after the semi-colon, strike "AND" and substitute a period; and, strike (C)(1)(iii) in its entirety.

ADOPTED

**AMENDMENTS TO THE COMMITTEE AMENDMENTS TO COUNCIL BILL 19-0401
(1" Reader Copy)**

By: Councilmember Henry
{To be offered on the Council Floor}



Amendment No. 1

In Committee Amendment No. 1, on page 1 of the Amendments, in (C)(1)(I), after the semi-colon insert "AND"; and, in (C)(1)(II), after the semi-colon, strike "AND" and substitute a period; and, strike (C)(1)(III) in its entirety.

ADOPTED

BY adding

Article 28. Taxes

**Section(s) 31-1 to 31-11, to be under the new subtitle,
"Subtitle 31. Checkout Bag Surcharge"**

**Baltimore City Code
(Edition 2000)**



[The text on this page is extremely faint and illegible. It appears to be a standard letter or document with a header, body text, and a footer, but the specific words and sentences cannot be discerned.]

Major Issues Discussed

1. Chairman Costello called the hearing to order and explained that the Committee would hear from the reporting agencies and members of the public, but that it did not plan to take a vote at this hearing.
2. Representatives from the reporting agencies confirmed the recommendations in their written reports. The Department of Public Works noted that plastic bags present problems for the City's recycling process, and contribute to the harbor's impairment by trash. The Department of Finance explained its financial model used to estimate revenue generated by the surcharge in the bill, but noted that the revenue would be highly uncertain. The Health Department explained its proposed amendment, and described its current processes and challenges related to enforcing the City's existing Plastic Bag Reduction Program.
3. Members of the public, including representatives from environmental groups, student organizations, and businesses, testified in favor of the bill. The supporters' testimony included the following points:
 - a. The ban and surcharge would reduce consumption of single-use plastic bags and increase the use of reusable bags.
 - b. Plastic bags are a significant contributor to litter in communities, harming quality of life for residents.
 - c. Most single-use plastic bags are made from oil, contributing to pollution and climate change.
 - d. A lot of plastic ends up in waterways and oceans where it harms wildlife.
 - e. Businesses can reuse boxes and other materials that they would otherwise discard by providing them to customers as free alternatives to bags.
 - f. The surcharge will create revenue for the City.
 - g. Paper bags can be purchased for as little as 10 cents each and biodegradable plastic bags for 5 cents each.
 - h. Recycling plastic bags is expensive, unless stores accumulate very large quantities.
 - i. The trash wheel has collected 450,000 bags from the harbor.
 - j. Plastic bags are difficult to remove from shorelines and waterways, and can damage boats if they wrap around propellers.
 - k. City revenue from the surcharge should be dedicated to environmental activities.
4. Some of those who spoke in favor of the bill also noted support for allowing retailers to keep more of the surcharge.
5. Members of the public, including representatives from businesses and business associations, testified in opposition to the bill. Many of the objections to the bill were focused specifically on the surcharge. Some of the opponents objected to the surcharge for customers altogether, while others requested amendments that would allow businesses to get a greater portion or all of the surcharge to offset their costs. The opponents' testimony included the following points:
 - a. Mandating paper or biodegradable plastic bags will significantly increase costs for grocers, restaurants, and retailers. One grocer estimated that switching to paper could add \$200,000 per year to their expenses. The increased costs could also be significant for restaurants because delivery service orders are making up a greater share of business for some of them. While the bill would allow businesses to charge an additional, separate fee for bags to offset costs, that could make them less competitive.

- b. The bill should include a hardship exception for businesses in neighborhoods with significant numbers of customers using public assistance, because the bill would not allow them to collect the surcharge.
 - c. It could be difficult to implement the public assistance exemption in the bill, because businesses do not know how someone is paying until the end of the checkout process, and will have to bag items based on their eligibility under the programs.
 - d. Putting some foods in customer provided reusable bags could increase risks of foodborne illness.
 - e. Reusable bags can make it more difficult to prevent shoplifting.
 - f. The bill would make Baltimore City businesses less competitive with those in Baltimore County that are not subject to the same requirements.
 - g. Plastic bags are easier to carry because of the handles.
 - h. Retailers and grocers recycle 5-12 percent of single-use plastic bags in Maryland (varying by jurisdiction), and up to 78 percent are reused by customers. Large businesses are able to collect enough used bags from customers to get paid by recyclers for them. Many use their existing transportation infrastructure (trucks and distribution centers) to support the collection and recycling of bags.
6. Councilman Henry noted that he would support amending the bill to clarify the distinction between checkout and non-checkout bags to address some of the concerns raised.
7. Chairman Costello explained that the Committee would be scheduling a work session on the bill in the near future, and recessed the hearing.

Further Study

Was further study requested?

Yes No

If yes, describe.

The Committee asked the reporting agencies and interested members of the public to email any proposed amendments to the Chair and the Committee staff in advance of the upcoming work session.

Committee Vote:

E. Costello:

M. Clarke:

J. Bullock:

L. Pinkett:

E. Reisinger:

S. Sneed:

R. Stokes:

Matthew Peters

Matthew L. Peters, Committee Staff

Date: August 6, 2019

Cc: Bill File
OCS Chrono File

**AMENDMENTS TO COUNCIL BILL 19-0401
(1" Reader Copy)**

By: Councilmember Sneed
{To be offered to the Judiciary Committee}

Amendment No. 1

On page 2, in line 22, strike "*CHECKOUT*" and substitute "*PLASTIC CHECKOUT*"; and, on that same page, strike lines 23 through 25 in their entireties, and substitute:

"(I) "PLASTIC CHECKOUT BAG" MEANS A PLASTIC BAG THAT IS:

(I) SUPPLIED BY A DEALER AT NO ADDITIONAL COST AT THE POINT OF SALE,
PICKUP, OR DELIVERY TO CARRY PURCHASED ITEMS; AND

(II) NOT DESIGNED OR INTENDED FOR REUSE."

and, on that same page, in line 26, and on page 7, in line 14, in each instance, strike "CHECKOUT" and substitute "PLASTIC CHECKOUT"; and, on page 4, in line 5 and line 7, in each instance, before "CHECKOUT", insert "PLASTIC"; and, on page 6, in line 7, before "BAG", insert "CHECKOUT"; and, on page 7, in line 9, after "PLASTIC", insert "BAG"; and, on that same page, at the beginning of line 16, insert the subparagraph designator "(I)"; and, on page 7, in line 17, in line 18, in line 19, in line 20, in line 21, in line 22, in line 23, in line 24, in line 25, and on page 8, in line 1 and in line 2, strike the designators "(I)", "(II)", "(III)", "(IV)", "(V)", "(VI)", "(VII)", "(VIII)", "(IX)", "(X)", and "(XI)", respectively, and substitute "(A)", "(B)", "(C)", "(D)", "(E)", "(F)", "(G)", "(H)", "(I)", "(J)", and "(K)", respectively; and, on page 8, after line 2, insert:

"(II) "CHECKOUT BAG" DOES NOT INCLUDE A "PLASTIC CHECKOUT BAG" DESCRIBED IN
CITY CODE, ARTICLE 7, § 62-1(B)(1) {"DEFINITIONS: PLASTIC CHECKOUT BAG"}."

Amendment No. 2

On page 3, strike lines 1 through 5 in their entireties; and, on that same page, in line 6, strike "(E)" and substitute "(C)".

Amendment No. 3

On page 2, in line 8, strike “31-11” and substitute “31-12”; and, on that same page, in line 9, strike “Reduction” and substitute “Surcharge”; and, on page 4, in line 3, strike beginning with “AND” down through and including the closing brace in line 4; and, on that same page, strike lines 20 through 24 in their entireties and substitute “§ 62-5. {RESERVED}”; and, on page 8, at the beginning of line 13, strike “A” and substitute: “EXCEPT AS PROVIDED IN § 31-4 OF THIS SUBTITLE, A”; and, after line 19, insert:

“31-4. VOUCHER OR ELECTRONIC BENEFITS TRANSFER PURCHASES.

THE SURCHARGE IMPOSED BY THIS SUBTITLE MAY NOT BE IMPOSED ON ANY CHECKOUT BAG SUPPLIED TO A CUSTOMER WHO IS PURCHASING GOODS USING A VOUCHER OR ELECTRONIC BENEFITS TRANSFER CARD ISSUED UNDER THE FOOD SUPPLEMENT PROGRAM (FSP), WOMEN, INFANTS, AND CHILDREN PROGRAM (WIC), OR THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP).”;

and, on page 8, in line 20, on page 9, in line 22, and, on page 10, in line 6, in line 12, in line 13, in line 19, in line 20, and on page 11, in line 3, strike the section designators “§ 31-4”, “§ 31-5”, “§ 31-6”, “§ 31-7”, “§ 31-8”, “§ 31-9”, “§ 31-10”, and “§ 31-11”, respectively, and substitute “§ 31-5”, “§ 31-6”, “§ 31-7”, “§ 31-8”, “§ 31-9”, “§ 31-10”, “§ 31-11”, and “§ 31-12”, respectively.

Amendment No. 4

On page 4, in line 25, strike “*{RESERVED}*” and substitute “AGENCIES TO ENFORCE.”; on that same page, after line 25, insert:

“ENFORCEMENT OF THIS SUBTITLE SHALL BE CONDUCTED BY “CODE ENFORCEMENT OFFICERS”, AS DEFINED IN CITY CODE ARTICLE 1, § 40-1(C).”;

and, on page 5, in line 3, strike “THE COMMISSIONER MUST” and substitute “ANY AGENCY EMPLOYING CODE ENFORCEMENT OFFICERS RESPONSIBLE FOR ENFORCING THIS SUBTITLE UNDER § 62-6 OF THIS SUBTITLE MAY”; and, on that same page, in line 10, strike “COMMISSIONER” and substitute “OFFICE OF THE MAYOR”; and, on that same page, in line 11, strike “THE MAYOR AND”.

Amendment No. 5

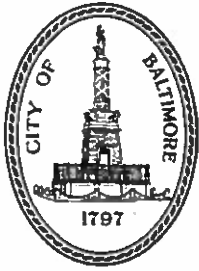
On page 6, strike lines 3 through 5 in their entireties and substitute:

“ANY DEALER WHO VIOLATES ANY PROVISION OF THIS SUBTITLE AFTER HAVING TWICE PREVIOUSLY BEEN FOUND TO HAVE VIOLATED THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 FOR EACH OFFENSE.”

Amendment No. 6

On page 10, in line 7, line 8, and line 21, in each instance, strike “DEALER” and substitute “PERSON”.





Brandon M. Scott
Council President
Baltimore City

Bill Synopsis

100 Holliday Street, Room 400 Baltimore, MD 21202
Office: 410-396-4805 | Fax: 140-839-0647

Subject | 19-0401: Comprehensive Bag Reduction

Prepared by

KC Kelleher, Legislative Director , Office of Councilman Bill Henry - 4th District
Kimberly Rubens, Fiscal Legislative Analyst, Office of the Council President

Date | August 6, 2019

About the Fiscal Legislative Analyst's Office

Policy Objectives

- Bans the use of plastic checkout bags for any retailer in Baltimore. This includes: restaurants, supermarkets, carry-outs, small grocers, clothing retailers, and any other store that sells goods or food
- The following goods are exempt from this plastic checkout bag ban:
 - Fresh fish and fresh fish products
 - Fresh meat and fresh meat products
 - Fresh poultry and fresh poultry products
 - Unpackaged nuts, etc. (bulk bins), fruits, and vegetables
 - Unpackaged candy
 - Unpackaged fresh cheese
 - Unpackaged baked goods
 - Ice
 - Foods and goods sold at farmers' markets
 - Prescription drugs from a pharmacy
 - Newspapers
 - Dry-cleaned goods
- Retailers are allowed to provide paper, or otherwise compostable bags, to customers at checkout. The retailer must charge \$0.05 per checkout bag. If the retailer is already charging for checkout bags, or would like to charge more, they are permitted to do so.
 - As introduced, \$0.01 will go to the retailer to offset some of the cost of using a more expensive checkout bag.

- As introduced, \$0.04 will go to the City's General Fund with the purpose of funding environmental conservation priorities.
- Allows any city inspector to fine retailers for violation of this legislation. The fines are as follows:
 - 1st Offense: \$250
 - 2nd Offense in same 6-month period: \$500
 - 3rd or subsequent offense in same 6-month period: \$1,000
- Requires retailers to submit a monthly remittance of the total amount collected and due to the city. In addition, retailers must submit a monthly remittance report detailing:
 - The number of allowable checkout bags provided to customers.
 - The total amount of money being sent to the City.
- Retailers are not allowed to charge a single use bag fee to any customer using a voucher or electronic benefits transfer (EBT) card. This includes: Food Supplement Program (FSP), Women, Infants, and Children (WIC), or the Supplemental Nutrition Assistance Program (SNAP).
- Requires the Health Department to submit an annual report on retailer compliance with this legislation
- Repeals the plastic bag reduction program. This is a voluntary program for stores that have food licenses to register and maintain records on their bag usage.

Fiscal Summary

City Effect

Based on a simple financial model using conservative estimations, the city is likely to collect \$2,221,240 in yearly revenue. This assumes the city collects \$0.04 from each bag sold based on a population of both Baltimore residents and the 160,000 people that commute to Baltimore every day for work. Additional models assuming a larger tax are discussed in the [Alternative Bag Tax Models](#) section.

Small Business Effect

Approximately 3,123 businesses will be affected by this legislation. It is estimated that this legislation would cost a small retailer approximately \$70 per 1,000 paper - or otherwise compostable bags - to comply with this legislation.¹ This legislation would cost large retailers approximately \$40 per 1,000 bags purchased.² See [Fiscal Analysis Methodology](#) for a complete discussion of the assumptions used to arrive at these estimations. [The Fiscal Analysis Methodology](#) section also models revenue projections based on higher bag taxes, with different splits between retailers affected by the legislations and the City.

¹ This analysis assumes that a retailer's total cost is offset by the \$10 in remittance fee that the retailer is allowed to keep per 1,000 bags purchased.

² This analysis assumes that a retailer's total cost is offset by the \$10 in remittance fee that the retailer is allowed to keep per 1,000 bags purchased.

Small businesses are more likely to incur larger expenses to comply with this legislation. The cost of appropriate bags will likely cost small retailers more. Currently small retailers typically spend 1.6% of their sales revenue on plastic bags, compared to only 0.03% of larger retailer sales revenue.ⁱ Small retailers tend to spend more on bags because there is less storage space in smaller restaurants, grocers, retailers, and carry-outs. This prevents these small businesses from being able to buy in bulk, thus reducing the unit-price-per single use bag.

It is estimated that U.S. retailers spend an average of \$4 billion a year giving away plastic bags to their customers.ⁱⁱ It is reasonable to assume that retailers would see some cost offset if customers are incentivized to bring their own bags to stores, per the regulations outlined in 19-0401.

Table 1, Types of Businesses Affected by Ban

Type of Business	Number
Alcohol	194
Bar	162
Book Store	24
Cafe	62
Carry-out	506
Gas Service Stations	175
Grocery Stores	477
Pharmacies	43
Restaurants	840
Retail	602
Supermarkets	11
Total	3,096

Recommended Amendments to 19-0401

1. **Amend law to exempt anyone on public assistance from the tax, as long as they can demonstrate eligibility for a public assistance program at a food service facility.**

Currently, the law only exempts individuals from the single use bag tax if they are using their eligible form of public assistance benefit to make a purchase. If a person eligible for SNAP, EBT, WIC, etc. uses another form of payment to make a purchase – i.e. cash, personal credit or debit card - they are required to pay the bag tax.

2. **Require all stores governed by this legislation to provide baseline bag usage data, 120 days before the implementation of the bag tax.**

This recommendation is critical to understanding the efficacy of this law as a behavioral change tool to dis-incentivize single use bags. More than 10 years of research of plastic bag use in cities and countries across the world indicates that plastic bag ban legislation can reduce the consumption of plastic bags by anywhere between 60% – 95%. All fiscal models used in this analysis are based on the reduction in plastic bag ban usage of other jurisdictions. These jurisdictions do not necessarily reflect the specific economic and demographic factors unique to Baltimore City. Therefore, it is critical to establish a baseline of plastic bag usage to understand the efficacy of this law, as well as analyze interventions that would reduce plastic bag usage in Baltimore.

3. **In the first fiscal year of revenue collections, set aside money to distribute reusable grocery bags to Baltimore City residents, with a particular focus on low-income residents.**
4. **Consider an economic hardship waiver for small businesses.**

An economic hardship waiver would exempt small businesses from the regulations of the plastic bag legislation. According to a report for the Los Angeles County Sustainability Office, a small business “would have to demonstrate that the product they had chosen was at least 15% higher than any other alternative.”ⁱⁱⁱ A small business would have to apply, and the amendment would have to explicate the process to apply for this exemption with the appropriate department.

Current plastic bag usage

It is estimated that Baltimoreans and commuters use approximately 208,100,000 plastic bags annually.³ This calculation is based on a series of assumption discussed in the [Fiscal Analysis Methodology](#) section.

Plastic bags were introduced into supermarkets in 1977; in 1982 Kroger and Safeway replaced paper bags with plastic bags.^{iv} Plastic bags became ubiquitous because they are cheaper to produce than paper bags.

³ For a complete explanation of the methodology used to arrive at this calculation, see the section [Fiscal Analysis](#).

It is reported that nationwide, Americans use anywhere from 10 billion to 100 billion single use plastic bags a year.^v In 2015, Americans sent 26,000 tons of plastic bags to landfills.^{vi} In 2015, plastic bags alone made up 12 - 18% of all Municipal Solid Waste sent to landfills.^{vii}

In March 2007, San Francisco became the first city to ban the sale of non-biodegradable plastic bags.^{viii} At least 21 countries (Australia, China, the U.K., Chile, and 16 African countries) have banned plastic bags.^{ix}

Current Law

Federal Law

There are no federal laws banning the use of plastic bags. At least two bans on plastic bags have been introduced in Congress in the past ten years: The Plastic Bag Reduction Act of 2009 and The Trash Reduction Act of 2017.^x Neither bill moved out of committee.

Maryland State Law

There is currently no Maryland State law banning plastic bags in certain retailers. Delegate Brooke Lierman introduced HB 31: The Community Cleanup and Greening Act of 2016.^{xi} This legislation is similar to 19-0401. HB 31 would have prohibited the distribution of free plastic bags.^{xii} The legislation would have required retailers to charge \$0.10 for each paper bag distributed to customers. Retailers would have been permitted to retain \$0.05 cents of every 10-cent paper bag fee collected. Retailers would have been permitted to retain \$0.07 cents if the store had a "customer bag credit program;" a program that paid every customer at least \$0.05 cents for every bag they brought. A hearing was held, but the legislation never moved out of committee.

Baltimore City Law

Based on legislation passed in 2015, Baltimore City has a fairly weak plastic bag reduction program.^{xiii} This legislation only applies to businesses with food service licenses, excluding retailers like liquor or clothing stores from compliance. Per the legislation, a retailer can only provide a plastic bag to a customer if the customer requests the bag. Food service businesses must provide at least one bin to collect plastic bags that are not easily recyclable. And finally, businesses governed by this legislation must maintain and submit records. There is no enforcement mechanism. It is unclear if food service licensed businesses comply with this legislation.

Research on the Efficacy of Plastic Bag Ban & Bag Tax Legislation

19-0401 was introduced based on the identification of several problems associated with their production, and evidence-based policy solutions to address these problems.

Problems with single use plastic bags

1. Plastic bags are not environmentally friendly – a single bag typically takes 1,000 years to decompose.
2. Plastic bags contribute to trash in streets, affecting Stormwater runoff, and quality of life for residents in affected neighborhoods. There is no data available for Baltimore City that quantifies the amount of plastic bags that are picked up as loose trash in the streets. However, anecdotal reports from constituents and City officials indicate that improperly discarded plastic bags contribute to real and perceived complaints of dirty streets and alleys.
3. Plastic bags make up between 12% - 18% of all non-biodegradable waste sent to landfills.^{xiv}

Solutions to the problems of single use plastic bags

1. Ban plastic bags to prevent landfill accumulation and trash in streets.
2. Tax single-use paper or otherwise compostable bags to customers to offset costs to retailers, while dis-incentivizing single-use bag consumption and creating another revenue stream to the City's General Fund.

In the past 15 years, cities, states and countries around the world implemented plastic bag bans and/or checkout bag fees. Based on analyses of these policies, there is much evidence to suggest that plastic bag bans and compostable single-use bag taxes are two effective policy tools to incentivize the use of reusable bags. Analyses of pre-ban plastic bag usage and post-ban plastic bag usage indicate a reduction in single-use bag consumption of, on average 65%. The range for this reduction in plastic bag usage is 30% - 90%

For example, an evaluation of Montgomery County's plastic bag ban and tax resulted in a "substantial" reduction in consumption of single use plastic bags.^{xv} Montgomery County underestimated the amount of money collected by this \$0.05 bag tax. The initial fiscal model predicted a yearly revenue that would peak at \$1.1 million. In Fiscal Years 2013 and 2014, this bag tax actually yielded \$2.39 million and \$2.41 million respectively.^{xvi}

Alternative Bag Tax Models⁴

	\$0.10 - even split retailer/city	\$0.25 - \$0.10 retailer, \$0.15 city
Gross City Revenue	\$2,776,550	\$8,329,650
Gross Retail Revenue	\$2,776,550	\$5,553,100
Cost per 1,000 bags, large retailers	(\$0)	\$20
Cost per 1,000 bags, small retailers	(\$5)	\$50

Fiscal Analysis Methodology

General definitions

1. Small Retailers are defined as businesses that function as: carry-outs, boutiques, small restaurants, non-chain retail stores, small grocery stores, and corner stores.
2. Large retailers are supermarkets, as well as other large - typically chain retail stores like H&M.
3. "Limited service restaurants" (i.e. carry out, fast casual, corner stores) spend 1.6% of sales revenue on single-use items while full service restaurants only spend 0.03%.^{xvii}

Annual per person bag usage

- **Baltimore resident typical bag usage** - 350 bags/year

Americans, on average, use 1 plastic bag a day.^{xviii} This is also roughly the mid-point between an estimate of annual per person plastic bag usage provided by the MD Department of Legislative Services. They estimate consumption between 50 to 600 annually, per person.^{xix}

- **Commuter typical bag usage** - 200 bags/year

This is a reasonable assumption given that commuters are typically in Baltimore during the work week.

⁴ See the Fiscal Analysis Methodology section for an explanation of the assumptions used in this section.

Population assumptions

- **Baltimore shoppers** - 502,000

This is the total population of Baltimore residents 16 years or older.^{xx}

- **Commuter shoppers** - 162,000

This estimation based on daily commuter statistics from Baltimore, Anne Arundel, and Howard Counties.^{xxi}

- **Baltimore shoppers exempt** – 132,000

There are approximately 240,000 households in Baltimore. Of those, approximately 60,000 households use SNAP benefits. The average household size in Baltimore is 2.2. Using these statistics, approximately 132,000 residents would be exempt from the tax imposed by 19-0401.

- **Commuter shoppers exempt** -16,200

This assumes that 10% of commuter shoppers would be exempt. This is a reasonable assumption given the percentage of SNAP recipients in surrounding wealthier counties

Unit price for plastic bags⁵

- **Large retailers** - \$.003
- **Small retailers** - \$.025

Unit price for paper bags⁶

- **Large retailers** - \$0.05
- **Small retailers** - \$0.08

⁵ Unit prices of plastic bags provided by Marshall Klein, Director at ShopRite. The unit price for plastic bags for small retailers is the average of \$0.02 and \$0.03.

⁶ Unit prices of plastic bags provided by Marshall Klein, Director at ShopRite. It is assumed that large retailers would be able to acquire paper bags at \$0.05, and smaller retailers would pay \$0.08.

Equity Analysis

Local retailers

Retailers will be affected by this legislation. On average, it will cost small retailers an additional \$45 per 1,000 paper bags to make the switch from plastic to paper checkout bags. It is estimated that small retailers currently spend approximately \$25 per 1,000 plastic checkout bags. On average, it will cost large retailers an additional \$37 per 1,000 paper bags to make the switch from plastic to paper checkout bags. It is estimated that large retailers spend approximately \$3 per 1,000 plastic checkout bags. For an explanation of the methodology of these calculations, see the [Fiscal Analysis Methodology](#) section.

Retailers will experience an increase to their fixed costs. However, most retailers that must comply under this legislation sell inelastic goods. Inelastic goods are items that cannot be substituted. A family will not be able to buy necessary food items by going to another grocery store, because all stores are subject to the regulations of 19-0401. Therefore, retailers are in a position to pass on the cost of this bag tax by increasing the price of their goods by a marginal amount to offset the cost of this bag tax. It is unclear what this marginal increase in price of inelastic goods would be.

Baltimore residents

Typically, point-of-sale taxes are regressive to low-income individuals and households. A regressive tax is something that more significantly affects individuals or households with less disposable income. When an individual or household is required to spend more money on taxes paid with net earnings, these taxes typically hit these families hardest. This is because a larger share of their disposable income must be spent on single-use bag taxes.

However, 19-0401 exempts individuals or families paying with SNAP, WIC, or another state sponsored benefit program from paying the tax. Therefore, this legislation is not regressive to low- and moderate-income residents in Baltimore. Given the fact that the majority of public-assistance programs are single mothers, black residents, people of color, and other low-income individuals, it is critical to keep this important exemption in the proposed legislation. However, there is a chance that these individuals and families might still pay some or all of the tax in the form of retailers increasing the prices of their goods to cover this increase to a retailer's fixed costs.

Positive Externalities

Reduced landfill costs

In 2004, the San Francisco Department of the Environment (SFDOE) released a study of estimated costs for clean-up and landfill processing of plastic bags at \$0.17 for each bag. For San Francisco, this adds up to \$8.5 million in costs to clean up the over 100,000 plastic bags found annually in the waste stream. Since 2017, Mr. Trash Wheel has cleaned up 649,236 bags out of the harbor. This means about 249,694 bags a year, or about \$57,429 a year spent on plastic bag removal from the Inner Harbor. It is reasonable to assume that the City could expect to pay less for solid waste disposal, if at least 15% of all solid waste is removed from the waste stream.

Push other municipalities in Maryland to ban plastic bags

San Jose, California passed their bag ban in 2010. Afterwards, they saw other cities in the Santa Clara follow suit; eventually the entire state of California banned single-use plastic bags in 2016. If Baltimore passes the 19-0401: Comprehensive Bag Reduction, we will be the third county in the state to address plastic waste reduction. It is worth noting that at the time of the plastic bag ban in San Jose, the demographics of the city closely matched those of Baltimore City.

Reduces trash in streets

There is no data available for Baltimore City that quantifies the amount of plastic bags that are picked up as loose trash in the streets. However, anecdotal reports from constituents and City officials indicate that improperly discarded plastic bags contribute to real and perceived complaints of dirty streets and alleys. It is reasonable to assume that a plastic bag ban would contribute to the cleanliness of Baltimore City streets.

Reduces dependence on crude oil, promotes a healthier climate and environment

Nationwide, plastic bags require approximately 12,000 barrels of oil a year to produce these single use bags. Substituting plastic bags for paper or another suitable compostable alternative will reduce our country's dependence on crude oil. This has geopolitical implications and promotes a healthier environment through improved air quality, among other benefits.

Incentivizes eco-friendly packaging firms to enter the single use plastic bag alternative market

A government mandated shift to stop using an item creates space for other businesses to enter the market. These businesses are incentivized to provide retail stores in Baltimore with the necessary bag alternatives to comply with 19-0401. As multiple "eco-friendly" retail supply firms enter the market,

technology will improve, the quality of single paper bags will increase, and the price per unit of single use paper bags will decrease, thus saving retailers money on fixed costs.

Negative Externalities

Plastic Bag industry disruption

Plastic bags only account for a small percentage of the plastics industry, but their manufacturing provides jobs to hundreds of Marylanders. Advance Polybag, in Elkridge, for example, employs 100 people in their factory that makes plastic bags. A ban will lead to a decrease in sales from Baltimore City dealers, which could eventually lead to factory downsizing.

Rise in Shoplifting

In 2013, after the Seattle bag ban went into effect, shop owners began reporting an increase in theft and/or damaged merchandise. One store owner reported in under a year he lost, "\$5,000 in produce and between \$3,000 and \$4,000 in frozen food.^{xxii}" About 60% of respondents in a Seattle survey reported that shoplifting increased after the plastic bag ban went into effect.^{xxiii} Because shoppers are entering stores with bags and backpacks, stores have experienced difficulty in preventing shoplifting and tracking the purchases in store. However, it is important to note that this survey was voluntary. Voluntary surveys tend to attract respondents with more extreme positive or negative circumstances. This is not a statistically significant finding.

Ability to recruit new grocery stores to Baltimore City

A common complaint is that prohibitive legislation that over-regulates private businesses could affect a city's ability to attract new grocery stores. This is a concern because Baltimore has a number of food deserts. However, a review of available research does not support this claim. There is no anecdotal or concrete research that demonstrates a bag tax will prohibit a grocery store from opening in this city.

Force small stores out of business

This is a valid fear for small business owners whose livelihood depends on the economic success of their business. However, there is some evidence from previously implemented legislation that indicates this is an unfounded fear. Seattle passed a Styrofoam ban in Seattle that affected more than 4,000 businesses across the City. City staff did not find that any businesses were forced to close based on this ban.^{xxiv}

Retailers will pass the cost of more expensive single-use bag options onto consumers.

Retailers like grocery stores, super markets, carry-outs, and others that provide basic goods are considered inelastic goods. Food is considered an inelastic good; or a good that cannot be easily

substituted. When this is the case, retailers who control the sale of these goods are at an advantage to pass the cost of more expensive checkout bags on to their consumers, typically by raising the price of common food staples by a few cents.

Other Jurisdictions

There are two common type of bag legislation:

1. Plastic bag bans
2. Plastic bag bans and fees charged on all other carryout bags.

Table 2, Overview of Plastic Bag Bans in Other Cities

*Denotes city in a state that has now enacted a plastic bag ban.

City	Effective Year	Type	Charge	Where does it go	SNAP/WIC provisions
Hoboken, NJ	2019	Bag Fee	\$0.10 - \$0.25	Retained by Dealer	Exempts SNAP/WIC customers from the fee.
Avon, CO	2019	Plastic Bag Ban/Bag Fee	\$0.10	.2 goes to the City, .8 to the retailer. After the first year, 100% of the fee went straight to the retailer.	Exempts SNAP/WIC customers from the fee.
Boston, MA	2018	Bag Fee	\$0.05	Retained by Dealer	No provisions
Chicago, IL	2018	Bag Fee	\$0.07	\$0.05 goes to the General Fund, \$0.02 goes to the retailer	Exempts SNAP/WIC customers from the fee.

Seattle, WA	2017	Plastic Bag Ban/Bag Fee	\$0.05	Retained by Dealer	Exempts SNAP/WIC customers from the fee.
Portland, ME*	2015	Plastic Bag Ban/Bag Fee	\$0.05	Retained by Dealer	No Provisions
Montgomery County, MD	2012	Bag Fee	\$0.05	\$0.04 goes to the City, \$0.01 goes to the Retailer, specifically County's Water Quality Protection Charge (WQPC) fund	No Provisions
San Jose, CA*	2010	Plastic Bag Ban/Bag Fee	\$0.10	Retained by dealer	Per SB270, all of CA exempts SNAP/WIC customers from the charge
DC	2010	Bag Fee	\$0.05	\$0.01 is retained by the retailer, \$0.04 is retained by the District	No provisions

Implementation Recommendations

1. Follow model of other cities that have distributed free re-usable bags to low-income residents.
2. Conduct a cost analysis of integrating this tax into existing database.
3. Coordinated effort to alert businesses to the requirements of this new legislation. Should include site visits.^{xxv}
 - a. Educational materials should be offered in multiple languages.
4. Hire consultants to help businesses maximize savings through smart purchasing practices. After passing plastic bag ban legislation, the City of Seattle hired consultants that “helped businesses find the most cost-effective alternatives.”^{xxvi} Creating and executing an outreach team to assist businesses as they make this transition will help businesses feel supported in their switch to paper bags, as well as increase rates of compliance.^{xxvii}

Additional Information

Outstanding questions

1. If this legislation is implemented, will the State of Maryland be able to exercise a State sales and use tax of 6% on the revenue generated from this single-use bag tax?

Prior introduction

There have been 8 different plastic bag restriction or reductions bills introduced in the Baltimore City Council, beginning in 2007 ([15-0469](#), [14-0372](#), [13-0241](#), [10-0601](#), [08-0208](#), [08-0205](#), [08-0060](#) and [07-0713](#)). In 2010, the Council passed and the Mayor signed Councilman Kraft’s Plastic Bag Reduction Program bill [10-0601](#), which established a voluntary Plastic Bag Reduction Program. In 2014, Mayor Stephanie Rawlings-Blake vetoed [14-0372](#), Plastic Bag Surcharge Bill after the City Council passed the measure 11-1, with two members abstaining.

Information sources

- Marshall Klein, ShopRite
- Department of Legislative Services, Maryland General Assembly
- Dick Lilly, Seattle Public Utilities
- Ian Donnelly, City of Boston, Special Assistant to the Commissioner, Environment Department
- Chris Donaldson, City of San Jose, Senior Environmental Inspector

Endnotes

- ⁱ "The Economic Consequences of Banning Restaurant Styrofoam Use," Matthew Kahn and Frederick Stabo, April 2019, (4). Copy of report available upon request.
- ⁱⁱ "Bags by the Numbers," Waste Management, <http://www.wmnorthwest.com/guidelines/plasticvspaper.htm>
- ⁱⁱⁱ "The Economic Consequences of Banning Restaurant Styrofoam Use," Matthew Kahn and Frederick Stabo, April 2019, (2). Copy of report available upon request.
- ^{iv} "Bags by the Numbers," Waste Management, <http://www.wmnorthwest.com/guidelines/plasticvspaper.htm>
- "History of Plastic Bags: How Did We Get Here," Tern Goods, <http://www.wmnorthwest.com/guidelines/plasticvspaper.htm>
- ^v "Bags by the Numbers" <http://www.wmnorthwest.com/guidelines/plasticvspaper.htm>
- "10 Facts about Single Use Plastic Bags"
- ^{vi} "Plastics - Material Specific Data," Environmental Protection Agency, <https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/plastics-material-specific-data>
- ^{vii} Ibid, <https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/plastics-material-specific-data>
- ^{viii} "HB 31: Fiscal and Policy Note", Department of Legislative Services, Maryland General Assembly, (3) <http://mgaleg.maryland.gov/webmga/frmMain.aspx?pid=billpage&stab=01&id=hb0031&tab=subject3&ys=2016RS>
- ^{ix} "10 Cities and Countries Confronting Plastic Bag Pollution Head On" <https://www.earthday.org/2018/04/20/10-cities-and-countries-confronting-plastic-bag-pollution-head-on/>
- "Plastic Bags Fact Sheet," Earth Policy Institute, http://www.earth-policy.org/images/uploads/press_room/Plastic_Bags.pdf
- ^x "Federal Laws Summary" <https://www.plasticbaglaws.org/legislation/federal-laws>
- ^{xi} "HB0031 Summary" <http://mgaleg.maryland.gov/webmga/frmMain.aspx?pid=billpage&stab=01&id=hb0031&tab=subject3&ys=2016RS>
- ^{xii} "HB 31: Fiscal and Policy Note", Department of Legislative Services, Maryland General Assembly, (2) <http://mgaleg.maryland.gov/webmga/frmMain.aspx?pid=billpage&stab=01&id=hb0031&tab=subject3&ys=2016RS>
- ^{xiii} "HB 31: Fiscal and Policy Note", Department of Legislative Services, Maryland General Assembly, (4) <http://mgaleg.maryland.gov/webmga/frmMain.aspx?pid=billpage&stab=01&id=hb0031&tab=subject3&ys=2016RS>
- ^{xiv} "Bags by the Numbers" <http://www.wmnorthwest.com/guidelines/plasticvspaper.htm>
- ^{xv} "HB 31: Fiscal and Policy Note", Department of Legislative Services, Maryland General Assembly, (4) <http://mgaleg.maryland.gov/webmga/frmMain.aspx?pid=billpage&stab=01&id=hb0031&tab=subject3&ys=2016RS>
- ^{xvi} "HB 31: Fiscal and Policy Note", Department of Legislative Services, Maryland General Assembly, (4) <http://mgaleg.maryland.gov/webmga/frmMain.aspx?pid=billpage&stab=01&id=hb0031&tab=subject3&ys=2016RS>
- ^{xvii} "The Economic Consequences of Banning Restaurant Styrofoam Use," Matthew Kahn and Frederick Stabo, April 2019, (5). Copy of report available upon request.
- ^{xviii} "Fast Facts about Plastic Pollution," National Geographic, <https://news.nationalgeographic.com/2018/05/plastics-facts-infographics-ocean-pollution/>
- ^{xx} HB31 Fiscal Note
- ^{xxi} "American FactFinder - Community Facts," https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml
- ^{xxii} "Commuting Patterns of Maryland Residents - Baltimore City Workforce Region," <https://www.dlfr.state.md.us/lmi/wiacommuting/>
- ^{xxiii} <https://www.seattlepi.com/local/article/Store-owners-say-plastic-bag-ban-causes-more-4314744.php>

^{xxiii} <http://www.seattle.gov/Documents/Departments/SPU/Services/Recycling/BagBanSurveyresultssummary.pdf>

^{xxiv} "The Economic Consequences of Banning Restaurant Styrofoam Use," Matthew Kahn and Frederick Stabo, April 2019, (2).
Copy of report available upon request.

^{xxv} "The Economic Consequences of Banning Restaurant Styrofoam Use," Matthew Kahn and Frederick Stabo, April 2019, (2).
Copy of report available upon request.

^{xxvi} "The Economic Consequences of Banning Restaurant Styrofoam Use," Matthew Kahn and Frederick Stabo, April 2019, (2).
Copy of report available upon request.

^{xxvii} "The Economic Consequences of Banning Restaurant Styrofoam Use," Matthew Kahn and Frederick Stabo, April 2019, (4).
Copy of report available upon request.



JUDICIARY COMMITTEE

19-0401

PUBLIC COMMENTS

Peters, Matthew

From: Costello, Eric
Sent: Monday, June 17, 2019 10:20 AM
To: Bathory, Tina L. - (BCPSS); Henry, Bill (email); Jackson, Charles D.; Huber, Michael; City Council President; Middleton, Sharon; Burnett, Kristerfer; Reisinger, Edward; Reisinger, Edward; Stokes, Robert; Clarke, Mary Pat; Cohen, Zeke; Dorsey, Ryan; Schleifer, Isaac; Pinkett, Leon; Bullock, John; Sneed, Shannon; Clarke, Mary Pat
Cc: Peters, Matthew
Subject: RE: Furley Elementary School students care passionately about supporting the Proposed ban on plastic bags
Attachments: petitionBAN.PDF

Matt, please add to bill file.

Eric T. Costello
Baltimore City Council, 11th District
(m) 443-813-1457 | (o) 410-396-4816
(e) eric.costello@baltimorecity.gov
[Twitter](#) | [Facebook](#) | [Instagram](#)

From: Bathory, Tina L. [mailto:TLBathory@bcps.k12.md.us]
Sent: Monday, June 17, 2019 8:50 AM
To: Henry, Bill (email) <Bill.Henry@baltimorecity.gov>; Jackson, Charles D. <Charles.Jackson@baltimorecity.gov>; Huber, Michael <Michael.Huber@baltimorecity.gov>; City Council President <City.CouncilPresident@baltimorecity.gov>; Middleton, Sharon <Sharon.Middleton@baltimorecity.gov>; Burnett, Kristerfer <Kristerfer.Burnett@baltimorecity.gov>; Reisinger, Edward <Edward.Reisinger@baltimorecity.gov>; Reisinger, Edward <Edward.Reisinger@baltimorecity.gov>; Stokes, Robert <Robert.Stokes@baltimorecity.gov>; Clarke, Mary Pat <MaryPat.Clarke@baltimorecity.gov>; Cohen, Zeke <Zeke.Cohen@baltimorecity.gov>; Dorsey, Ryan <Ryan.Dorsey@baltimorecity.gov>; Schleifer, Isaac <Isaac.Schleifer@baltimorecity.gov>; Pinkett, Leon <Leon.Pinkett@baltimorecity.gov>; Bullock, John <John.Bullock@baltimorecity.gov>; Costello, Eric <Eric.Costello@baltimorecity.gov>; Sneed, Shannon <Shannon.Sneed@baltimorecity.gov>; Clarke, Mary Pat <MaryPat.Clarke@baltimorecity.gov>
Subject: Furley Elementary School students care passionately about supporting the Proposed ban on plastic bags

Good Morning Dedicated Elected Officials,

My name is Tina Bathory and I am the teacher at Furley Elementary School, #206. Our students, our community and countless other constituents are asking you to please consider the ban on plastic bags. We have attached a petition. Do note that we would have many more signatures but with all of the field trips, etc. many students were not available on Friday to sign this. Count on us in the future if you need much more substantial support.

Petition urging Baltimore City Council to ban plastic bags:
Many jurisdictions have banned plastic bags due to the extremely negative consequences of these bags in our society. These bags are visible all over the streets, in trees, clogging storm drains, etc... I am a Baltimore City School teacher who finds it so sad taking my students

outside for fresh air only to see the campus, trees, bushes, tennis courts, walkways littered with these plastic bags. We will all learn to function with other reusable sources of transporting groceries. Businesses and consumers will adapt as they have in many other modern cities. Please care more about the aesthetics and environment of Baltimore versus business interest. Let us be known for something brave and positive in Baltimore City. We hereby agree to this petition and urge you to vote for this ban.

Thank you for your time and service,

Tina Bathory
Furley Elementary School, #206
Physical Education Teacher
443 996 9597

NOTICE: The information contained in this e-mail may be confidential and is intended solely for the use of the named addressee. Access, copying or re-use of the e-mail or any information contained herein by any other person is not authorized. If you are not the intended recipient please notify us immediately by returning the e-mail to the originator.

Petition urging Baltimore City Council to ban plastic bags:

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We hereby agree to this petition and urge you to vote for this ban:

- 1 Calu Simon
- 2 Anyre Sagasi
- 3 Aisha Ahmad
- 4 Samper welduath ~~II~~
- 5 Jase lin Pacheco
- 6 Nakula Woods
- 7 Justiah Reed
- 8 Bayionna Cote
- 9 Isai Anchisholm
- 10 Rayanne Mcananey
- 11 Jordan Morris
- 12 Jamon Batten
- 13 Stephen Kelly III
- 14
- 15 Dominick Hudson
- 16 Jade Jones
- 17
- 18 Fatima Almubarak
- 19 Analiah Warren
- 20
- 21 Saniyah Walker
- 22 Omo Ranneb
- 23 Dominick Randolph Jr
- 24 Phnetta Hall
- 25
- 26 Khamal Stocks
- 27 Rheem Watson ~~II~~

- 28 Deborah Wingate
- 29 Cheryl Admon
- 30 Paul Locutt
- 31 Alaina Booker
- 32 Payton Trotman
- 33 Brian Meachen
- 34 Tammy
- 35 Melissa Smith
- 36 Kristina Black
- 37 Mckenzie Kwell
- 38 Heavenie Perkins
- 39 Jada Carter
- 40 Estha Jones
- 41 Raven Jackson
- 42 Kylie Fond
- 43 Cassidy Decker
- 44 Tiana Simpson
- 45 Khloe Patterson
- 46 ~~Spurwain~~
- 47 Theresa Wright - Johnson
- 48 Tya Bathory
- 50 ~~Cheryl~~
- 51 ~~Steph~~
- 52 Atti O'Attey
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Petition urging Baltimore City Council to ban plastic bags:

Many jurisdictions have banned plastic bags due to the extremely negative consequences of these bags in our society. These bags are visible all over the streets, in trees, clogging storm drains, etc... I am a Baltimore City School teacher who finds it so sad taking my students outside for fresh air only to see the campus, trees, bushes, tennis courts and walkways littered with these plastic bags. We will all learn to function with other reusable sources of transporting groceries. Businesses and consumers will adapt as they have in many other modern cities. Please care more about the aesthetics and environment of Baltimore versus business interest. Let us be known for something brave and positive in Baltimore City.

We hereby agree to this petition and urge you to vote for this ban:

- 1 Duchon Sida
- 2 America X PIES
- 3 Annsa Bhatia
- 4 Venya Chhistry
- 5 Sem
- 6 Lynn Simen Tsegai
- 7 Yett Simon Tsegai
- 8 Daylen Gardner
- 9 SIT-LAN BANKS
- 10 Gavin Pais
- 14
- 15 Aldis Savop
- 16 Nevada
- 17 Noradeh Terry
- 18 This or all
- 19 Tommie L. Johnson
- 20 Gavin Pais
- 21
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Petition urging Baltimore City Council to ban plastic bags:

Many jurisdictions have banned plastic bags due to the extremely negative consequences of these bags in our society. These bags are visible all over the streets, in trees, clogging storm drains, etc... I am a Baltimore City School teacher who finds it so sad taking my students outside for fresh air only to see the campus, trees, bushes, tennis courts and walkways littered with these plastic bags. We will all learn to function with other reusable sources of transporting groceries. Businesses and consumers will adapt as they have in many other modern cities. Please care more about the aesthetics and environment of Baltimore versus business interest. Let us be known for something brave and positive in Baltimore City.

We hereby agree to this petition and urge you to vote for this ban:

- 1 - Paula Easty
- 2 - Lavera Jackson
- 3 - ~~Bell~~
- 4 - Chara Smith
- 5 - Robin Bradsher
- 6 - Laura Pearl Hernandez
- 7 - Sophia Ayub
- 8 - Miss King
- 9 - Melissa ZAO
- 10 - Hay Annette
- 11 - ~~Wizdom~~ Zamments
- 12 - Malinowski
- 13 - Snyder
- 14 - Meghan Shoultz
- 15 - Tanaya Scott
- 16 - ~~Wynn Brown~~
- 17 - ~~Wynn~~
- 18 - Marlin Ennels Jr.
- 19 - Athol Hargrove
- 20 - James Phillips
- 21 - Zion Waters
- 22 - Hector Martinez
- 23 - Dr. Quiscannon
- 24 - ~~Kramer~~
- 25 - Dominick Stocks
- 26 - ~~Patrice Green~~ Ellis Randolph Jr
- 27 - ~~Patrice Green~~

Peters, Matthew

From: Murdock, Stephanie
Sent: Wednesday, June 19, 2019 1:52 PM
To: Peters, Matthew
Subject: FW: various

For bill file on Comprehensive Bag Reduction.
Thanks,
Steph

From: Clarke, Mary Pat
Sent: Wednesday, June 19, 2019 12:01 PM
To: John Roach <john.e.roach1@gmail.com>
Cc: Murdock, Stephanie <Stephanie.Murdock@baltimorecity.gov>
Subject: RE: various

Always good to hear from you. Thanks for your input on bags and "various" other city issues. Filing your letter in the legislative file for hearing (not yet scheduled). Thanks. Mary Pat

Mary Pat Clarke

Baltimore City Council, 14th District

City Hall, Room 501

Baltimore, MD 21202

Marypat.clarke@baltimorecity.gov

Office: 410-396-4814

Cell: 443-676-6184

Staff:

Cindy.Leahy@baltimorecity.gov

Stephanie.Murdock@baltimorecity.gov

Miller.Roberts@baltimorecity.gov

From: John Roach [john.e.roach1@gmail.com]
Sent: Tuesday, June 18, 2019 10:51 AM

To: Clarke, Mary Pat
Subject: Fwd: various

[THIS EMAIL IS FROM AN EXTERNAL SENDER]

Hi Mary Pat,
I will share this opinion with you which I wrote to Ryan Dorsey, Mr Henry, and the President.
John Roach

----- Forwarded message -----

From: **John Roach** <john.e.roach1@gmail.com>
Date: Tue, Jun 18, 2019 at 10:40 AM
Subject: various
To: Dorsey, Ryan <Ryan.Dorsey@baltimorecity.gov>

Dear Councilman:

I am profoundly distressed by this bag business. The Baltimore homicide rate continues, potholes abound, the city civil service seems to hunker down in the face of problems (malware) and ignore potential helpful resources. Long standing avowed intents such as greening the city have gone no where. (18 dead trees between Poly/Western rear drive and Cross Keys; look at Mclean from N Pkwy to Hamilton, One more dead tree on Beechland to add to the 13 removed since about 1975).

My Father's family were involved in preparing defences for the city in September 1814. I have lived my entire life here and have been a Baltimore booster. But now when I visit friends in Catonsville, I drive the Beltway. I no longer go to the B&O Museum. Why? I do NOT need/want to be accosted by teens and others wanting to smear the clean windows on my car and then demanding extortion for that "service."

And then there are the mysterious water bills... always the same amount... never changing from month to month, summer or winter.

Now you tell me my grocery shopping experience will mandate carrying a supply of bags in my car and accurately estimating how much room my order will take. Otherwise there will be a 5 cent charge for a hard-to-carry paper bag from which 4 cents goes to the city. *Well I can now turn LEFT on Harford Rd and shop at the Giant in Parkville!*

Get MY drift? Why bags. Beechland Ave, Woodbourne at Perring... trash trash trash. I bet there are NO BAGS... paper cups plastic soda/water bottles, paper clamshells from fast food, etc.

While I appreciate the work of council, I suggest you all refocus.

John E. Roach
Hamilton

Peters, Matthew

From: Costello, Eric
Sent: Wednesday, July 31, 2019 10:13 PM
To: Ann Costlow; Henry, Bill (email)
Cc: Pinkett, Leon; Bullock, John; Reisinger, Edward; Stokes, Robert; Peters, Matthew
Subject: RE: Bag Bill 19-0401

Matt, please add to the bill file. Thanks, EC

Eric T. Costello
Baltimore City Council, 11th District
(m) 443-813-1457 | (o) 410-396-4816
(e) eric.costello@baltimorecity.gov
[Twitter](#) | [Facebook](#) | [Instagram](#)

From: Ann Costlow [mailto:acostlow@yahoo.com]
Sent: Wednesday, July 31, 2019 5:18 PM
To: Henry, Bill (email) <Bill.Henry@baltimorecity.gov>
Cc: Costello, Eric <Eric.Costello@baltimorecity.gov>; Pinkett, Leon <Leon.Pinkett@baltimorecity.gov>; Bullock, John <John.Bullock@baltimorecity.gov>; Reisinger, Edward <Edward.Reisinger@baltimorecity.gov>; Stokes, Robert <Robert.Stokes@baltimorecity.gov>
Subject: Bag Bill 19-0401

[THIS EMAIL IS FROM AN EXTERNAL SENDER]

Dear Councilman,

I am Ann Costlow, Owner of Sofi's Crepes , with 3 locations in Baltimore City.

Regarding Bag Bill 19-0401 , I am not opposed to the part of the proposal that bans plastic bags. However, I strongly support amending the bill to exempt restaurants with on-premise seating from the proposed surcharge on PAPER bags.

Thank you for your consideration.

Ann Costlow
Sofi's Crepes
www.sofiscrepes.com

Peters, Matthew

From: Costello, Eric
Sent: Friday, August 2, 2019 6:55 PM
To: Peters, Matthew
Subject: FW: Bill 19-0401 (and those of similar ilk)

Matt, please add to bill file. -EC

Eric T. Costello
Baltimore City Council, 11th District
(m) 443-813-1457 | (o) 410-396-4816
(e) eric.costello@baltimorecity.gov
[Twitter](#) | [Facebook](#) | [Instagram](#)

From: John Roach [mailto:john.e.roach1@gmail.com]
Sent: Friday, August 02, 2019 2:05 PM
To: Costello, Eric <Eric.Costello@baltimorecity.gov>; Clarke, Mary Pat <MaryPat.Clarke@baltimorecity.gov>
Cc: Stokes, Robert <Robert.Stokes@baltimorecity.gov>; Sneed, Shannon <Shannon.Sneed@baltimorecity.gov>; Reisinger, Edward <Edward.Reisinger@baltimorecity.gov>; Pinkett, Leon <Leon.Pinkett@baltimorecity.gov>; Bullock, John <John.Bullock@baltimorecity.gov>
Subject: Bill 19-0401 (and those of similar ilk)

[THIS EMAIL IS FROM AN EXTERNAL SENDER]

Dear Members of Council:

Mrs Clarke kindly sent me notice of this hearing and that you will receive written comment.

I take opportunity to voice strongest possible opposition to this "plastic bag bill" and you may take that to extend to my views on restrictions on soda straws, clam-shell packages, etc, etc.

We are faced with basic existential issues for our beloved City of Baltimore : Crime, crime, drugs, drugs, a school system still failing its children despite huge investment by others (State Legislature), deteriorated infrastructure, lack of employment opportunities to replace lost industry. All are of long standing. *While one might think that environmental issues such as trash are the easy matters to address, they are in fact caused by the hardest issue to address -- the attitude and values of our residents.* Plastic bags do not cause litter and filth any more that fire arms cause murder. **It is the people using these things causing the problems.**

I take the intersection of East bound Woodbourne where it intersects North bound Perring Parkway. Some months ago I watched carefully for some days while stopped at the traffic light. I saw a few of plastic bags stuffed with other trash. There was an abundance of cold cups and, by in large, a huge number of soda or water bottles discarded there. On North bound Harford Road in the same period from Parkside to Hamilton Avenue an abundance of trash - 90% bottles.

I assert that the bag bill will make the cost and experience of doing business for merchants even more onerous, and it will have a similar impact on customers. We should be encouraging business, especially ones providing services and employment in our communities.

I suspect that you will remember a character named William Donald Schaefer. I suspect some of you will remember one of his gimmick slogans: *TRASH BALL... PUT ONE IN, PLAY TRASH BALL*. You may also remember that his **people-based** (not product based) clean-up campaign produced results. Why? He captured support with enthusiasm and pride in the City of Baltimore.

I thank you for your service to all Baltimoreans and ask that you give negative report on this proposal as it fails to address cause or elicit citizen involvement.

John E. Roach
2810 Beechland Ave.
Baltimore, MD 21214
410.426.6296

Peters, Matthew

From: Costello, Eric
Sent: Saturday, August 3, 2019 7:39 AM
To: jerry@eddiesmarket.com; Schleifer, Isaac; City Council President; Cohen, Zeke; McCray, Danielle; Dorsey, Ryan; Henry, Bill (email); Middleton, Sharon; Pinkett, Leon; Burnett, Kristerfer; Bullock, John; Reisinger, Edward; Stokes, Robert; Sneed, Shannon; Clarke, Mary Pat
Cc: Cailey Locklair; Peters, Matthew
Subject: RE: Proposed Baltimore City Bag Bill

Jerry, thank you for sharing.

Matt, please add to bill file.

Eric T. Costello
Baltimore City Council, 11th District
(m) 443-813-1457 | (o) 410-396-4816
(e) eric.costello@baltimorecity.gov
Twitter | Facebook | Instagram

-----Original Message-----

From: jerry@eddiesmarket.com [mailto:jerry@eddiesmarket.com]
Sent: Friday, August 02, 2019 9:12 PM
To: Schleifer, Isaac <Isaac.Schleifer@baltimorecity.gov>; City Council President <City.CouncilPresident@baltimorecity.gov>; Cohen, Zeke <Zeke.Cohen@baltimorecity.gov>; McCray, Danielle <Danielle.McCray@baltimorecity.gov>; Dorsey, Ryan <Ryan.Dorsey@baltimorecity.gov>; Henry, Bill (email) <Bill.Henry@baltimorecity.gov>; Middleton, Sharon <Sharon.Middleton@baltimorecity.gov>; Pinkett, Leon <Leon.Pinkett@baltimorecity.gov>; Burnett, Kristerfer <Kristerfer.Burnett@baltimorecity.gov>; Bullock, John <John.Bullock@baltimorecity.gov>; Reisinger, Edward <Edward.Reisinger@baltimorecity.gov>; Costello, Eric <Eric.Costello@baltimorecity.gov>; Stokes, Robert <Robert.Stokes@baltimorecity.gov>; Sneed, Shannon <Shannon.Sneed@baltimorecity.gov>; Clarke, Mary Pat <MaryPat.Clarke@baltimorecity.gov>
Cc: Cailey Locklair <clocklairtolle@mdra.org>
Subject: Proposed Baltimore City Bag Bill
Importance: High

[THIS EMAIL IS FROM AN EXTERNAL SENDER]

To Members of The Baltimore City Council,

I am writing to you to express my thoughts on the proposed plastic bag ban bill. I am the owner of Eddie's Market in Charles Village, located at 3117 St. Paul Street. Councilwoman Clarke is my representative. We enjoy a long, friendly relationship.

Our store has been the centerpiece of Charles Village shopping since 1962. I have been involved in the operation in different roles since the beginning. Since 1980 I have owned and managed the store.

Back in the old days, we served our clientele by bagging their purchases in paper bags. We used five or six different sizes and always tried to find just the right size to keep our cost down. At some point, probably 40 or so years ago, the threat that we were "killing the trees" led to advent of plastic bags which were much less expensive.

The grocery industry and most other retailers relied on plastic bags and based our business model on the use of these bags. Now the world is turning away from plastic for environmental reasons. As laws are passed in different cities and states consumers are encouraged to use a re-usable bag.

This is the wave of the future and I don't disagree with this transition although it will be more difficult for my customers to carry their purchases home, as my store is a walk-to neighborhood store. WHAT I VEHEMENTLY OPPOSE IS THE PROPOSED FEE SPLIT OF 4 CENTS TO THE CITY AND 1 CENT TO THE MERCHANT. A PAPER BAG COST ME 8 CENTS AND A PLASTIC BAG COSTS ME 2 CENTS. IF YOU ARE LEGISLATING A 400% INCREASE IN MY COST ON EVERY BAG I USE, HOW DO YOU JUSTIFY THE CITY TAKING ANY OF THE FEE?

Another questionable aspect of the bill is the exemption of SNAP customers from the bag fee. If a consumer does not have to pay for a paper bag replacement, how do you expect them to change their habits and go to a re-usable bag? If there are no consequences for behavior, there will be no modification of behavior. Those grocers whose customer base is heavily weighted with SNAP customers will have the most detrimental outcome from this bill. This bill needs extensive revision for it to be effective for the environment without putting unnecessary monetary impact on small business.

In other jurisdictions such as Boston, State of Maine and others, the merchant keeps the entire fee to pay for the extra cost incurred. If you want to help the environment that is good, but not on the backs of the people who provide food to an underserved city while making minimal margins.

Thank you for taking the time to read this. I look forward to seeing you at the hearing on Tuesday.

Best,

Jerry Gordon
Eddie's Market - Charles Village
410-274-2266



Maryland
PIRG
—Standing Up
To Powerful Interests

Council Bill 19-0401
Comprehensive Bag Reduction
Position: Support
Tuesday, August 6, 2019
Judiciary Committee
Chairman Eric T. Costello

Environment Maryland is a citizen-based environmental advocacy organization. We work to protect clean air, clean water, and open space. We have thousands of members across the state and are based in Baltimore.

Maryland PIRG's mission is to deliver persistent, result-oriented public interest activism that protects consumers, encourages a fair, sustainable economy, and fosters responsive, democratic government. We are a Baltimore based, statewide, non-partisan, non-profit, citizen-funded public interest advocacy organization with members across the state and a student-funded, student-directed chapter at the University of Maryland College Park.

This summer Environment Maryland staff knocked on 15,000 doors across the state to talk to Marylanders about plastic pollution and its impact on wildlife. We talked with 2,000 Baltimoreans, collected 850 petition signatures, and more than 100 photo petitions from Baltimore residents calling on legislators to support a ban on single use plastic bags.

We want to thank the City Council for your leadership in reducing plastic pollution through a ban on foam food packaging, and we hope this can be the year we bring the bag ban over the finish line.

Here are the top 10 reasons that we support this ban. In no particular order:

#1-Reduce Waste: According to the Center for Biological Diversity, a plastic bag is used for an average of 12 minutes, but can persist in our environment, and pollute our communities, for generations. **Nothing we use for a few minutes should be allowed to pollute our communities and the bay for hundreds of years**—especially when we don't really need it.

#2-Reduce Waste: Each year, the average American use more than 300 single-use disposable bags, and only about 1% of these bags are returned for recycling, with even fewer actually going through the process. If they somehow magically disappeared into thin air after use, we might not be here today. But they do not disappear, they cause tremendous problems for our environment, public health, public works, and economy.

#3-Reduce Waste: We do not need single use plastic bags. They were only introduced in this country in the 1970's. We had a civilized, modern society before these bags became part of everyday commercial life, and we need to move away from them.

#4-Reduce pollution: Plastic bag disposal is a lose/lose/lose. Virtually un-recyclable, when we dispose of them they end up buried in leaky-landfills or burned in incinerators. If they get loose they end up littering our neighborhoods, roads, and waterways. Plastic bags are lightweight and when they are not disposed of properly, they can get caught by the wind and are carried into our waterways where it eventually leads to the ocean. Plastic bag waste harms health, quality of life, and the environment.

#5-Reduce pollution: According to many different sources, it takes more than 500 years for a plastic bag to degrade. The bags don't break down completely but instead photo-degrade, becoming microplastics that absorb toxins and continue to pollute the environment.

#6-Reduce pollution: For a bird or fish or turtle, it's easy to mistake a small piece of plastic for food—especially when there are millions of pieces of plastic floating in our waterways. Scientists have found plastic fragments in literally hundreds of species, including 86% of all sea turtle species, 44% of all seabird species, and 43% of all marine mammal species. Ingesting these fragments is often fatal. Animals starve when they ingest too much plastic that they can't digest.

#7-Reduce pollution: Plastic bags are made of fossil fuels. The more plastic bags are manufactured, the more we are using fossil fuels. According to National Geographic about 8 percent of the world's oil production is used to make plastic and power the manufacturing of it. That figure is projected to rise to 20 percent by 2050.

#8-Promote the public interest: In almost every community which has considered or adopted plastic bans, you find the opponents representing huge industries. Manufacturers of plastic, supermarket chains, the petrochemical industry all have pushed hard against citizen initiatives to promote bans. Yet time and again, the public supports and win bans.

#9-Good public policy: Across the country, plastic bag bans have passed in over 350 cities and other communities. Some companies are also getting with the program. Kroger, the nation's largest grocer which includes Harris Teeter and others, has committed to phasing out plastic bags, and other stores like My Organic Market (MOM's) and Trader Joe's have already done away with them.

#10-Save money: It stands to reason that cleaning up plastic bag waste and cleaning it out of storm drains, among other places, costs money. One study citing data from the California Integrated Waste Management Board, noted that San Jose alone spends "at least \$3 million annually to clean plastic bags from creeks and clogged storm drains." Let's kick our plastic problem so we can save money, and ultimately send Mr. Trash Wheel into early retirement.

Thank you for your consideration, and service to Baltimore.

Emily Scarr
Emily@marylandpirg.org

MARKET CENTER
MERCHANTS ASSOCIATION

August 1, 2019

Baltimore City Council Members

Re: CCB #19-0401

Dear Members of the Baltimore City Council,

On behalf of the Market Center Merchants Association (MCMA), I want to express our support, with one caveat, for City Council Bill 19-0401 – Comprehensive Bag Reduction. We request that you allow businesses to keep a greater percentage of the five-cent fee paid by customers who purchase a bag at point of sale. While we support the legislation's goal of reducing litter on our streets and waterways, we also want to minimize any burden on the businesses of Baltimore City.

MCMA works to promote commerce, retain and attract businesses, and enhance the residential and customer experience in 27 blocks of downtown Baltimore. Litter is one of the most significant problems facing Market Center, and it deters many potential customers from visiting the 285+ businesses in Market Center. We know from a 2019 survey of residents that "Cleanliness of Neighborhood" is among the three most important qualities they look for in choosing where to shop and dine. We believe that this legislation will diminish reliance on single-use bags and reduce the amount of litter on Market Center's sidewalks, streets, tree wells, and alleys, thus helping to attract more foot traffic to businesses.

Among other things, healthy business districts require constant attention to cleanliness, basic maintenance, infrastructure repairs and upgrades, and public safety. The revitalization of Market Center requires much more, including the renovation and reuse of many city-owned buildings. Reducing litter is just one factor, but it is a step in the right direction, and we look forward to working with city agencies and our elected officials to address these additional issues.

If you have any questions, please contact me at 443-478-3014 or executivedirector@marketcenterbaltimore.org.

Sincerely,



Kristen Mitchell
Executive Director

MarketCenterBaltimore.org
443-478-3014
Executivedirector@marketcenterbaltimore.org



Date: August 6, 2019

Bill: Council Bill 19-0401 - Comprehensive Bag Reduction

Position: Support

Dear Chairman Costello and Members of the Committee:

The National Aquarium respectfully requests your support for **Council Bill 19-0401 - Comprehensive Bag Reduction**, which will limit the harmful impact plastic bags have on the city's neighborhoods, waterways, and wildlife habitats.

Plastics, including plastic bags, degrade but never completely disappear from the environment. This leads to an increased concentration of plastic debris in our waterways and oceans over time. Plastics in our oceans and waterways can harm fish, birds, marine mammals and sea turtles. Many of these animals become entangled by debris or mistake debris as a natural food source and ingest it, sometimes leading to death.

In partnership with the Maryland Department of Natural Resources, the National Aquarium's Marine Animal Rescue Program responds to stranded marine animals on our coast. We have seen first-hand the effects of marine debris and plastic bags on animals.

The National Aquarium has been actively participating in cleanup and restoration projects and has worked to remove marine debris from our local waters since 1999. To date, we have recorded 1,400,000 pieces of debris picked up from our shorelines, over 96 percent of which is plastic. Aquarium-sponsored cleanups alone removed 2,639 plastic bags from our city's waterways just last year. When the Environmental Protection Agency studied the composition of floating marine debris in several harbors around the country, including Baltimore, plastic bags were among the most common items documented.

Whether blown by the wind or carried down a storm drain, the impact of plastic bags on the city's aesthetics and local environment can be mitigated. Plastic pollution is a problem we can stop in our lifetime. By encouraging positive behavior change, such as using reusable bags, we can reduce our reliance on single-use plastics. As part of the Aquarium's mission *to inspire conservation of the world's aquatic treasures*, we take seriously our responsibility to educate our visitors and the surrounding community on the negative impact plastic pollution has on the health of people, wildlife and ecosystems.

By passing Council Bill 19-0401, Baltimore will limit the number of plastic bags entering waterways and littering neighborhoods. We urge the Committee to vote in favor of Council Bill 19-0401.

Contact:

Jennifer Driban
Senior Vice President, External Affairs
410-986-2387
jdriban@aqua.org

Ryan Fredriksson
Director, Government Affairs
410-385-8276
rfredriksson@aqua.org

August 4, 2019

Dear Honorable Committee Members,

My name is Taylor Smith-Hams, and I'm a Baltimore City resident. I'm writing to urge you to vote in favor of the Comprehensive Bag Reduction (Council Bill 19-0401).

We are in the midst of an environmental and climate crisis. This crisis disproportionately affects communities of color and low-income families who bear the brunt of pollution, face increased risk of asthma and other respiratory illnesses, and often do not have the resources to recover from extreme weather events, hospitalizations, and other traumas caused by environmental injustice. This crisis is being exacerbated by our current federal administration, which is actively rolling back environmental protections and has made it extremely clear in the past week that it does not care about Baltimore.

As the elected leaders of our resilient and strong city, it is your responsibility to enact policy changes that protect our environment and our communities. I am proud that our City Council has recently made strong commitments to environmental protections and is actively moving toward zero waste. Enacting the Comprehensive Bag Reduction is a critical step in building a more just and sustainable future in which we have less waste and therefore do not rely upon harmful incineration or dirty landfilling.

As a recent homebuyer in the 14th City Council District, I have chosen to invest in Baltimore. I love our city's charm and grit and am proud to live here. And I know that we can do so much better. This bill is one step in building the Baltimore that we all deserve. I hope you will vote in favor of Council Bill 19-0401 to help build healthy communities and advance a zero waste future.

Thank you for your time, energy, and commitment to our city.

Sincerely,

Taylor Smith-Hams
718 Homestead St
Baltimore, MD 21218

Peters, Matthew

From: Murdock, Stephanie
Sent: Monday, August 5, 2019 11:33 AM
To: Peters, Matthew
Subject: FW: I would like to express my strong support of Council Bill 19-0401 Comprehensive Bag

Follow Up Flag: Flag for follow up
Flag Status: Completed

For bill file if you don't already have it.
Thanks,
Steph

From: Clarke, Mary Pat
Sent: Monday, August 5, 2019 10:49 AM
To: Murdock, Stephanie <Stephanie.Murdock@baltimorecity.gov>
Subject: FW: I would like to express my strong support of Council Bill 19-0401 Comprehensive Bag

From: Louise Harmony <harmonylouise3@gmail.com>
Sent: Friday, August 2, 2019 6:29 PM
To: Costello, Eric <Eric.Costello@baltimorecity.gov>; Clarke, Mary Pat <MaryPat.Clarke@baltimorecity.gov>; Bullock, John <John.Bullock@baltimorecity.gov>; Pinkett, Leon <Leon.Pinkett@baltimorecity.gov>; Reisinger, Edward <Edward.Reisinger@baltimorecity.gov>; Sneed, Shannon <Shannon.Sneed@baltimorecity.gov>; Stokes, Robert <Robert.Stokes@baltimorecity.gov>
Subject: I would like to express my strong support of Council Bill 19-0401 Comprehensive Bag

[THIS EMAIL IS FROM AN EXTERNAL SENDER]

Reduction Bill.

IF plastic is NOT curbed by 2050 - there will be more plastic in the ocean than fish!!

ANYTHING YOU CAN DO TO REDUCE THE USE OF PLASTIC WOULD BE MOST HELPFUL.

In terms of plastic bags = they are a BIG PROBLEM AT HERRING RUN PARK. Lots of plastic bag litter on the trees along the river and on the ground. It is especially bad after a flood.

Louise Harmony
5105 Walther Ave, Baltimore, MD 21214

Peters, Matthew

From: Costello, Eric
Sent: Monday, August 5, 2019 4:31 PM
To: Cailey Locklair; Bernard C Jack Young; City Council President; Clarke, Mary Pat; Bullock, John; Pinkett, Leon; Reisinger, Edward; Sneed, Shannon; Stokes, Robert
Cc: Peters, Matthew
Subject: RE: Plastic Bag Ban
Attachments: Retailer_Notice_111412[1].pdf; Hoboken Ordinance[1].pdf

Cailey, thanks for sharing.

Matt, please add to the bill file. -EC

Eric T. Costello
Baltimore City Council, 11th District
(m) 443-813-1457 | (o) 410-396-4816
(e) eric.costello@baltimorecity.gov
[Twitter](#) | [Facebook](#) | [Instagram](#)

From: Cailey Locklair [mailto:clocklairtolle@mdra.org]
Sent: Monday, August 05, 2019 4:09 PM
To: Bernard C Jack Young <BernardC.JackYoung@baltimorecity.gov>; City Council President <City.CouncilPresident@baltimorecity.gov>; Costello, Eric <Eric.Costello@baltimorecity.gov>; Clarke, Mary Pat <MaryPat.Clarke@baltimorecity.gov>; Bullock, John <John.Bullock@baltimorecity.gov>; Pinkett, Leon <Leon.Pinkett@baltimorecity.gov>; Reisinger, Edward <Edward.Reisinger@baltimorecity.gov>; Sneed, Shannon <Shannon.Sneed@baltimorecity.gov>; Stokes, Robert <Robert.Stokes@baltimorecity.gov>
Subject: Plastic Bag Ban

[THIS EMAIL IS FROM AN EXTERNAL SENDER]

Mayor Young, Council President Scott, Chairman Costello and Honorable Members of the Judiciary Committee,

I write to you with our ongoing concerns about Councilman Henry's plastic bag ban. I will begin by thanking the sponsor for addressing our concern about misdemeanor penalties for businesses on first offenses. I understand he plans to introduce an amendment where on the 3rd offense of handing out a plastic bag, a business would only then be criminally charged. However, we urge you all to seriously consider the following amendments as to not decimate the grocery industry in the City and anger consumers who rely on plastic bags for certain goods.

1. It is incredibly important businesses are able to keep the entirety of the bag ban fee. The largest grocer in the State that has the most negotiating power pays about 6 and a half cents for a paper bag without a handle, but it should be known that when talking to other smaller members in the City, they can pay in upwards of \$0.35 for a small paper bag with a handle. Small businesses because of volume will pay far more than the proposed tax because of the cost differential between a plastic and paper bag.
2. Regarding SNAP; for retailers in municipalities with ordinances mandating bag fees, it can be expensive when WIC/SNAP recipients are exempted from these fees, and I need to share with you all the attached document from USDA. This memo states that FNS does not have the authority to exempt SNAP clients from bag fees, and that SNAP customers must be treated the same as other customers. Therefore, we strongly recommend a

hardship exemption for SNAP/WIC retailers such as Hoboken New Jersey's that is attached. It should also be noted operationalizing separating out SNAP/WIC items causes massive issues for retailers who would likely have to ask every customer if they are paying with benefits. This is because items that are purchased with SNAP/WIC would have to be separated in bags they would not be charged for and items such as paper towels and toilet paper that are not covered would be put in bags they would have to be charged for. If the goal is litter reduction, this exemption just does not make sense.

3. The State of California and other localities such as Washington DC exempted home goods, clothing and hardware as consumers do not want to put those items in a reusable bag they have had food items in. Many of these bags are different than the bags found in grocery stores as they are a much thicker gauge and as such are often reused.
4. Many members who have already switched to paper bags have asked why they would have to charge consumers a fee. They have asked for a waiver if they are already providing a paper bag.
5. We also support the following amendments along with the Restaurant Association of Maryland: DEFINITIONS:

RESTAURANT. (Note: Based on City Health Code Title 12, §12-107.2(2))

"RESTAURANT" MEANS A BUSINESS ESTABLISHMENT THAT IS DEVOTED PRIMARILY TO SERVING FOOD AND DRINKS TO THE PUBLIC FOR ON-PREMISES CONSUMPTION BY SEATED PATRONS, AND MIGHT OR MIGHT NOT ALSO SERVE ALCOHOLIC BEVERAGES. A "RESTAURANT" DOES NOT INCLUDE ANY AREA OF A SUPERMARKET, DEPARTMENT STORE, OR OTHER RETAIL ESTABLISHMENT BEYOND THE KITCHEN AND PUBLIC DINING AREA.

SURCHARGE SECTION OF BILL:

"CHECKOUT BAG" DOES NOT INCLUDE A PAPER BAG THAT A RESTAURANT GIVES TO A CUSTOMER OR TO A DELIVERY SERVICE TO TAKE PREPARED OR LEFTOVER FOOD OR DRINK FROM THE RESTAURANT.

I am glad to speak with any of you in reference to our above concerns. Thank you for your time and consideration.

Cailey Locklair

President

Maryland Retailers Association,
Maryland Association of Chain Drug stores,
Tri State Jewelers Association,
& The Maryland Food Industry Council

171 Conduit Street

Annapolis MD 21401

O: 410-269-1440

C: 317-397-1918

IMPORTANT SNAP INFORMATION

Grocery Bag Fees

Recently some States have begun charging customers a fee for each shopping bag (plastic and/or paper) provided by a grocery store. Other States are considering charging grocery bag fees as well. State's grocery bag fees may **not** be paid for with SNAP benefits. In addition, the Food and Nutrition Service does not have authority to exempt SNAP clients from this fee. Therefore, grocery bag fees must be paid for using cash, credit card, or non-SNAP debit. Stores that give discounts at the point-of-sale if customers bring their own bags must treat SNAP clients in the same manner.

Sales Tax

SNAP licensed retailers may not charge state or local sales tax on SNAP purchases. This does NOT mean that food items that are subject to sales tax (e.g. soft drinks, snack foods, etc) are ineligible. Eligible items that are subject to sales tax may still be purchased with SNAP benefits. Sales tax, however, cannot be charged when SNAP is used to make the purchase. Sales tax can, however, be charged on the portion of eligible items paid for with manufacturers or other discount coupons. Such tax cannot be paid with SNAP benefits.

Seasonal Gift Items

Holiday gift baskets for Valentine's Day, Easter, Mothers Day, Thanksgiving, Holiday stockings, and seasonal items like holiday tins are NOT eligible for purchase with SNAP benefits if the value of the nonfood part of the item clearly accounts for more than 50% of the purchase price.

For Example:

- A stuffed holiday bear sold with a small package of chocolate for \$14.99 would **not** be eligible for SNAP purchase, but
- A gift basket consisting primarily of meats and cheeses or snack foods, and including a small toy — where the cost of the food items clearly accounts for more than 50% of the purchase price of the item — would be eligible for purchase with SNAP benefits.

Baskets and holiday stockings that contain any amount of alcohol, cigarettes, cat, dog, or other pet food and/or pet toys may **not** be purchased with SNAP benefits.

We encourage all SNAP participating stores to advertise healthy food items and encourage all people, including SNAP recipients, to eat healthfully.

Visit <http://www.choosemyplate.gov/> for more information.

If you have any questions, please contact the Food and Nutrition Service (FNS). If you are not sure who to call, check our Website at: <http://www.fns.usda.gov/cga/Contacts/FieldOffices/default.htm>, or call our toll free SNAP Retailer Service Center at 1-877-823-4369, and a representative will direct you to the appropriate FNS Office.

18-418
B-48

An ordinance to replace Hoboken City Code §148 entitled "Plastic Bags" to regulate the use by retail establishments of single use plastic carry out bags and recyclable paper bags and to promote the use of reusable bags in the City of Hoboken

Introduced, passed first reading as read and laid on the table for further consideration of the council at its next meeting to be held on June 20, 2018 at 7pm.

**City Clerk
6/6/2018**

Passed second and final reading.

**City Clerk
6/20/2018**

1st PRIORITY 10-11-10
#9
B-48

8.C.1.10

SPONSORED BY: [Signature]
SECONDED BY: [Signature]

**CITY OF HOBOKEN
ORDINANCE NO.:**

AN ORDINANCE TO REPLACE HOBOKEN CITY CODE § 148 ENTITLED "PLASTIC BAGS" TO REGULATE THE USE BY RETAIL ESTABLISHMENTS OF SINGLE USE PLASTIC CARRY-OUT BAGS AND RECYCLABLE PAPER BAGS AND TO PROMOTE THE USE OF REUSABLE BAGS IN THE CITY OF HOBOKEN

WHEREAS, on average, one person uses 500 single-use disposable bags per year, 4 billion single use shopping bags are used annually in New Jersey and 102 billion are used nationwide; and,

WHEREAS, windblown plastic bags degrade our City and the Hudson River, and 80% of the plastic and trash that finds its way into our oceans comes from the land; and,

WHEREAS, microplastic pollution in oceans can accumulate toxic chemicals, harms marine life, and can be consumed by humans via seafood; and,

WHEREAS, 12 million barrels of oil are used annually to make the plastic bags that Americans use; and,

WHEREAS, the City of Hoboken desires to reduce the use of single-use plastic bags by all residents and merchants; and,

WHEREAS, the Hoboken Green Team established a subcommittee to lead a reusable bag education program, with the specific goal of reducing single-use plastic bags in Hoboken; and,

WHEREAS, the Hoboken Green Team has educated residents and merchants about the importance of reducing the use of single-use plastic bags through events such as the annual Green Fair and movie screenings, educational information on the City website, and distributing nearly 1,000 reusable bags to Hoboken residents; and,

WHEREAS, through educational outreach by the Green Team, the general Hoboken community, including the business, educational, and general populace, have indicated their desire to eliminate the use of single-use plastic bags and thus join in the movement to act in ways that demonstrate environmental, health, and economic responsibility to our planet and to our local and regional populations; and,

WHEREAS, Hoboken residents understand that reusable bags consume far less energy and natural resources than single use plastic carry-out bags and recyclable paper carry-out bags; and,

WHEREAS, all single use carry-out bags are wasteful, and while recyclable paper carry-out bags present adverse impacts on the environment, these impacts are less so than single use plastic carry-out bags because they naturally decompose in the environment while plastic bags degrade at a much slower rate and release toxic materials during that process as well as pollute waterways; and,

WHEREAS, in accordance with N.J.S.A. 40:48-2, a municipality in New Jersey may enact such ordinances "as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants" and regulating the use of plastic bags will preserve the public health, safety, and welfare of the municipality.

NOW, THEREFORE, the City Council of the City of Hoboken does hereby Ordain as follows:

SECTION ONE: The full text of Hoboken City Code Chapter 148 entitled "Plastic Bags" shall be replaced with the following:

§ 148-1 DEFINITIONS

The following definitions apply to this Ordinance:

- (1) The term "customer" means any person purchasing goods or services from a retail establishment.
- (2) The term "operator" means the person in control of, or having the responsibility for, the operation of a retail establishment, which may include, but is not limited to, the owner of the retail establishment.
- (3) The term "person" means any natural person, firm, corporation, partnership, or other organization or group however organized.
- (4) The term "single use plastic carry-out bag" means any bag made predominantly of plastic derived from either petroleum or a biologically-based source, such as corn or other plant sources, that is provided by an operator of a retail establishment to a customer at the point of sale. The term includes compostable and biodegradable bags but does not include reusable bags, produce bags, or product bags. This definition specifically exempts the following from the category of "Single Use Plastic Carry-out Bag":
 - (a) bags provided by operators and used by consumers inside retail establishments to:
 - (1) package bulk items, such as fruit, vegetables, nuts, grains, candies, or small hardware items;
 - (2) contain or wrap frozen foods, meat, or fish, whether packaged or not;
 - (3) contain or wrap flowers, potted plants, or other items where dampness may be an issue;

- (4) contain unwrapped prepared foods or bakery goods, or
 - (5) pharmacy prescription bags.
- (b) newspaper bags, door-hanger bags, laundry and/or dry-cleaning bags, or bags sold in packages containing multiple bags intended for use as food storage bags, garbage bags, yard waste bags, or pet waste bags.
- (5) The term “compliant bag” means recyclable paper carry-out bags and reusable bags.
- (a) A recyclable paper carry-out bag is a paper bag that meet all of the following minimum requirements:
- (1) it is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) post-consumer recycled material;
 - (2) it can be composted; and
 - (3) it displays the words “recyclable” and/or “reusable” in a highly visible manner on the outside of the bag.
- (b) A reusable bag is a bag made of cloth or other washable fabric with handles that are specifically designed and manufactured for multiple reuse and meets all of the following additional requirements:
- (1) it has a minimum lifetime of 125 uses;
 - (2) it can carry a minimum of 22 pounds;
 - (3) it is machine-washable or is made from a material that can be cleaned or disinfected;
 - (4) it does not contain lead, cadmium, or any other heavy metal in toxic amounts, as defined by applicable state and federal standards and regulations; and
 - (5) if made of plastic, it is a minimum of at least 2.25 mils thick.
- (6) The term “post-consumer recycled material” means a bag constructed of a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. “Post-consumer recycled material” does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.
- (7) The term “produce bag” or “product bag” means a very thin bag without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a retail establishment or, for reasons of public health and safety, to prevent such food items from coming into direct contact with other purchased items.

- (8) The term "recyclable" means material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of reusing the altered, incinerated, converted, or otherwise thermally destroyed solid waste generated therefrom.
- (9) The term "retail establishment" means any store or commercial establishment that sells perishable or nonperishable goods including, but not limited to, clothing, food, and personal items directly to the customer and is located within or doing business within the geographical limits of the City of Hoboken. Retail establishments include: a business establishment that generates a sales or use-tax; a drug store, pharmacy, supermarket, grocery store, convenience food store, food mart, or other commercial entity engaged in the retail sale of a limited line of goods that include milk, bread, soda, and snack foods; a public eating establishment (i.e., a restaurant, take-out food establishment, or any other business that prepares and sells prepared food to be eaten on or off its premises; and business establishment that sells clothing, a hardware store, or any other non-perishable goods. "Retail establishment" does not include non-profit charitable reusers as defined in Section 501(c)(3) of the Internal Revenue Code of 1986, or a distinct operating unit or division of the charitable organization that reuses and recycles donated goods or materials and receives more than fifty percent (50%) of its revenues from the handling and sale of those donated goods or materials.

§148-2 SINGLE USE PLASTIC CARRY-OUT BAGS PROHIBITED

No retail establishment shall provide to any customer a single use plastic carry-out bag, as defined in §148-1, above. This prohibition applies to bags provided for the purpose of carrying goods away from the point of sale and does not apply to product bags or to produce bags used to carry produce within the retail establishment to the point of sale. The prohibition applies to single use plastic carry-out bags used for take-out deliveries from retail establishments within the City of Hoboken. The point of sale in such transactions is deemed to be at the retail establishment, regardless of where payment for the transaction physically occurs.

§148-3 COMPLIANT BAGS FOR A FEE

- (1) All retail establishments shall make available to customers, for a fee, compliant bags, as defined herein, for the purpose of carrying goods or other materials away from the point of sale, subject to the provisions of this Ordinance. The fee charged shall be reflected in the sales receipt.
- (2) Nothing in this Ordinance prohibits customers from using bags of any type that they choose to bring to retail establishments themselves, in lieu of using bags available for a fee from the retail establishment, or from carrying away goods that are not placed in a bag.

§148-4 REGULATION OF RECYCLABLE PAPER CARRY-OUT BAGS

- (1) All retail establishments shall make recyclable paper carry-out bags available to customers upon request for a fee of at least 10 cents but not more than 25 cents per bag if customers choose not to bring their own reusable bags.

- (2) A retail establishment may provide customers with a reusable bag, as defined herein, for a fee of at least 10 cents.

§148-5 USE OF REUSABLE BAGS OR RECYCLABLE PAPER CARRY-OUT BAGS

- (1) All retail establishments must provide customers with compliant bags, upon request, if customers fail to bring their own bags, in accordance with the fee structure set forth in §148-4, above. A retail establishment may choose, in its discretion, to provide a credit to customers that choose to bring their own bags.
- (2) Each retail establishment shall be strongly encouraged to educate its staff to promote the use of reusable bags and to post signs encouraging customers to use reusable bags rather than recyclable paper carry-out bags.

§148-6 EXEMPT CUSTOMERS

- (1) All retail establishments must provide at the point of sale, free of charge, compliant bags, at the retail establishment operator's option, to any customer who participates in, or is a beneficiary of, any United States government federal welfare program, or any local or Hudson County welfare assistance program, or any New Jersey State welfare program, including but not limited to the New Jersey Supplemental Nutritional Assistance Program (SNAP) or the New Jersey State Supplemental Security Income Program (SSI).
- (2) The Mayor or his/her designee may approve, with the concurrence of the City Council Environment Subcommittee, a request for an exemption from the requirements of this Ordinance by any operator of a retail establishment, with or without conditions. If the Subcommittee withholds or denies concurrence on an exemption, the Mayor may seek concurrence from the City Council as a whole, but concurrence from the Subcommittee or the Council is required for the granting of an exemption.
- (3) Exemption decisions are effective upon approval and are final, and they are not appealable, except otherwise provided for by law.
- (4) The City of Hoboken establishes a fee for exemption requests of \$100.

§148-7 REMEDIES

- (1) The City of Hoboken shall assist operators of retail establishments by referring them to appropriate municipal website(s) with information to retail associations, unions, and other organizations to create educational materials concerning the benefits of reusable bags rather than recyclable paper carry-out bags and to locate sources for the wholesale purchase of reusable bags. Any such information may include signage at retail establishment locations, informational literature, and employee training and shall take place before and after the operative date.

- (2) All retail establishments shall be strongly encouraged to educate their staff in ways to promote reusable bags as the best environmental and economic option for carry-out bags and to post signs encouraging customers to use reusable bags.

§148-8 ENFORCEMENT AND VIOLATION PENALTY

- (1) The Director of the Department of Environmental Services, or his/her designee, has the responsibility for enforcement of this Ordinance and may promulgate reasonable rules and regulations in order to enforce the provisions thereof, including, but not limited to, investigating violations and issuing fines.
- (2) Any retail establishment that violates or fails to comply with any of the requirements of this Ordinance after an initial written warning notice has been issued for that violation shall be liable for an infraction.
- (3) If a retail establishment has subsequent violations of this Ordinance after the issuance of an initial written warning notice of a violation, the following penalties will be imposed and shall be payable by the operator of the retail establishment: (a) a fine not exceeding one hundred dollars (\$100.00) for the first violation after the written warning notice is given; (b) a fine not exceeding two hundred dollars (\$200.00) for the second violation after the written warning notice is given; or (c) a fine not exceeding five hundred dollars (\$500.00) for the third and any subsequent violations after the written warning notice is given.
- (4) A fine shall be imposed for each day a violation occurs or is allowed to continue.
- (5) Any appeal of a written warning notice or fine shall be conducted pursuant with standard municipal regulations and procedures concerning appeals already adopted by the City of Hoboken.

SECTION TWO: NO CONFLICT WITH FEDERAL OR STATE LAW

Nothing in this ordinance is intended to create any requirement, power or duty that is in conflict with any federal or state law.

SECTION THREE: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION FOUR: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a

court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION FIVE: EFFECTIVE DATE

This Ordinance shall take effect six months after passage and publication as provided by law.

SECTION SIX: CODIFICATION

This ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Meeting Date: June 6, 2018

Approved as to Legal Form:

Vetoed by the Mayor for the following reasons:



Brian Aloia, Esq. Corporation Counsel

Adopted by the Hoboken City Council
By a Vote of 9 Yeas to 0 Nays
On the 22 day of June, 2018

-01-
 Approved by the Mayor
On the 22 day of June, 2018



James Farina, City Clerk



Ravinder S. Bhalla, Mayor

<input checked="" type="checkbox"/> Vote Record - CC - Ordinance					
<input checked="" type="checkbox"/> 1st Reading		Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> 2nd Reading					

<input type="checkbox"/> Tabled	Peter Cunningham	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Mike DeFusco	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	James Doyle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Vanessa Falco	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Tiffany Fisher	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Jennifer Giattino	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Emily Jabbour	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Michael Russo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ruben Ramos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Bill: Council Bill 19-401 Comprehensive Bag Reduction

Date: August 6, 2019

Position: Support

Dear Chairman Costello and Members of the Judiciary Committee,

Trash Free Maryland strongly supports **Council Bill 19-401**, which will ban plastic bags and encourage Baltimore's residents to use reusable bags by charging a fee for other single use bags.

Trash Free Maryland works toward a state that is free of trash, debris, and litter. We base this work on the most significant contributors to trash pollution, identified through cleanup data and reports by local governments, trash wheels in the Inner Harbor and Harris Creek outfall and trash traps on Anacostia River tributaries.

The EPA has identified the Baltimore Harbor as a region of concern. Most of the litter found in local waterways comes from packaging, including the insidious plastic bags that are given at the checkout counter. In 2017, the Clean City Committee recommended Baltimore pass plastic bag legislation to reduce litter and blight impacting tourism, development, and both public and environmental health. In our Cheers to Clean Water Cleanup last year, volunteers collected nearly 700 bags in just two hours' time. Since May, 2014, Mr. Trash Wheel has collected 431,057 plastic grocery bags; that's roughly 260 bags per day.

As a significant form of land and marine litter, banning plastic bags will work to eliminate them as a source of pollution. States and local jurisdictions are increasingly passing plastics legislation to mitigate the growing challenges imposed by single use items both as litter and when entering the municipal waste-stream. Since the DC bag fee began in 2010, 79 percent of businesses saw disposable bag distribution to customers decrease by an average of 50 percent, as well as a 72 percent reduction in plastic bag litter in the four years after instituting a 5 cent plastic bag fee according to the Alice Ferguson Foundation. Montgomery County has charged a five cent fee for all single-use bags since 2011. Chestertown banned plastic bags in 2012 followed by Takoma Park in 2016, and Westminster in 2019. After a .5 pence fee was introduced in England in October 2015, sales of plastic bags decreased by 90% across major grocers, with the average consumer buying 10 bags a year compared to 140 in 2014 before there was a charge.

We know microplastics are an emerging pollution issue, and see scientific inquiry on the scope, source and impact of this material on ecosystems, economies and public health increasing. Plastic contamination caused by humans has been found in tap and bottled water, beer, and table salt.¹ And a study investigating the presence of microplastics within the Chesapeake Bay indicates that these plastic fragments can accumulate "attachment organisms" and potentially work to transport invasive or pathogenic species.² This particular research team is building on this study to explore impacts of microplastics on Eastern Oysters – a species integral to the ecology of the Bay, as well as economically across the state.

¹ Kosuth M, Mason SA, Wattenberg EV (2018) Anthropogenic contamination of tap water, beer and sea salt. PLoS ONE 13(4): e0194970

² Yonkos, L. T., Friedel, E. A., Perez-Reyes, A. C., Ghosal, S., & Arthur, C. D. (2014). Microplastics in four estuarine rivers in the Chesapeake Bay, USA. *Environmental science & technology*, 48(24), 14195-14202.

Additionally, a report by the New York State Plastic Bag Task Force found that:

- The City of San Jose spent \$1 million each year to fix machinery jams at recycling facilities that were caused by plastic bags. They saw an 89 percent reduction in plastic bags in their storm drain system, a 60 percent reduction of plastic bag litter in their creeks and rivers, and a 59 percent reduction in plastic bag litter in neighborhoods after instituting its plastic bag ban and fee on the allowable alternatives.
- Businesses estimated that 82 percent of customers were bringing their own bags as compared to 42 percent prior to the law.
- A 94 percent reduction in single-use bag use and the per resident economic impact was estimated to be less than \$4.00 per year.

Reducing litter leads to healthier communities. People living near vacant land that had been cleared of trash and restored reported increased feelings of safety, decreased perception of violence, and more opportunities to socialize with their neighbors, according to research by the Columbia Mailman School of Public Health. The same research team found that reducing blight lowers depression. The data demonstrates how revitalized spaces in blighted urban areas can help improve safety and health, and reduce crime, violence, and stress levels. An earlier study from the same team found up to a 29 percent decrease in gun violence near treated lots. While a multitude of actions are needed to reduce and ultimately prevent litter, this legislation will directly address one of the most prevalent forms in Baltimore, statewide and globally, while also educating and empowering consumers to think about their daily waste.

Trash Free Maryland urges you to support this legislation for the following reasons:

- Plastic bags do not degrade. On land they last for up to 1,000 years after a few minutes of utility. In the water, the bags and particles for food or get tangled in them.
- Plastic bags are made from petroleum and contribute to climate change and global warming. Proponents of fracking oppose bag bans.
- There are many alternatives to plastic bags, and bag fees are a proven mechanism to change behavior and encourage reuse.
- Plastic bags are a costly contaminant in curbside recycling, clogging machinery and presenting a safety hazard. While stores have collection bins, only one percent of plastic bags are actually returned for recycling according to Waste Management. Plastic bags are best removed from Baltimore's waste stream altogether.
- Microplastics are an increasing concern for both environmental and public health, and stemming plastic bag litter would be a step toward reducing macro trash pollution that contributes to accumulating levels of microplastics in our marine environments.

By passing this bill, the City Council will take a major step to remove this ubiquitous, insidious pollution and improve the health and vibrancy of Baltimore. **Trash Free Maryland strongly urges the Baltimore City Council to pass Bill 19-401.**

Contact:

Ashley Van Stone, Executive Director, Trash Free Maryland
ashley@trashfreemaryland.org

410-861-0412

August 5, 2019

Dear Members of the Baltimore City Council,

We are writing to urge you to vote in favor of 19-0401, sponsored by Councilman Bill Henry. This legislation will ban plastic bags which are a huge blight on our community.

Plastic bags are ubiquitous, insidious pollution. We see them along our highways, blown by the wind, and hanging from trees. They enter creeks and streams where the current carries them to rivers and ultimately the Chesapeake Bay into the ocean. They clog storm drains, and once in our waterways, are mistaken for food by wildlife. Plastic bags cannot be recycled curbside, but are often placed in bins - either contaminating the haul and increasing costs, or contaminating our communities when they blow out of a bin and become litter.

Reducing litter leads to healthier communities. People living near vacant land that had been cleared of trash and restored reported increased feelings of safety, decreased perception of violence, and more opportunities to socialize with their neighbors, according to research by the Columbia Mailman School of Public Health. The same research team found that reducing blight lowers depression.

The fee that the City collects could raise significant funding to clean up trash throughout the City, increasing our shared capacity to clean up Baltimore's neighborhoods, and move us closer toward the clean city Baltimore deserves to be.

We call on you to vote in favor of this legislation. Support the Baltimore Bag Bill to reduce pollution and improve the health of neighborhoods across the city.

Sincerely,

Trash Free Maryland
Maryland PIRG
Environment Maryland
Surfrider Foundation Ocean City
Highlandtown Community Association
Waterfront Partnership of Baltimore
Baltimore Community ToolBank
Highlandtown Community Association
Baltimore Tree Trust
Fells Prospect Community Association
Full Circuit Studio
Maryland Stadium Authority
National Aquarium
Magothy Co-Op Preschool
Friends of Herring Run Parks
Interfaith Partners for the Chesapeake

Blue Water Baltimore
Memorial Episcopal Church
Friends of Patterson Park
Food & Water Watch
Friends of Library Square
Brown Memorial Park Avenue Presbyterian Church
Baltimore Collegetown Network
Silver Lining Institute
Woodmoor Community Association
Baltimore Beyond Plastic
Upper Fells Point Improvement Association
Creative Alliance
Baltimore Beyond Plastic

August 5, 2019

Dear Members of the Baltimore City Council:

I am writing to urge you to vote in favor of 19-401, the Baltimore Bag Bill, sponsored by Councilman Bill Henry. This legislation will ban plastic bags which are a huge blight on our community.

Plastic bags are ubiquitous, insidious pollution. They litter our highways, are blown by the wind, and get caught in trees. They enter creeks and streams where the current carries them to rivers and ultimately the Chesapeake Bay into the ocean. They clog storm drains, and once in our waterways are mistaken for food by wildlife. Plastic bags cannot be recycled curbside, but are often placed in bins - either contaminating the haul and increasing costs, or contaminating our communities when they blow out of a bin and become litter.

As the owner or manager of a business, I support this ban. The per-bag cost for paper bags ranges from 12 cents and 20 cents, and is a cost that can be absorbed by my business given the environmental and public health costs associated with plastic bag use and pollution, the cost to continually cleanup litter, as well as impacts to tourism, recreation and community investment caused by trash - all of which can affect my business. In addition, I will also have the opportunity to sell branded, reusable bags, which will both help the environment and provide a marketing opportunity.

I call on you to vote in favor of this legislation. Support the Baltimore Bag Bill to reduce pollution and improve the health of neighborhoods and waterways across the city.

Sincerely,

**MOM's Organic Market
The Back Yard
MiY Home
Little Havana
Checkerspot Brewing
Mobtown Brewing Company
Cafe Azafran
Alma Cocina Latina
Gertrude's Chesapeake Kitchen
Trohv**



August 6, 2019

Dear Members of the Judiciary Committee of the Baltimore City Council:

I am writing to urge you to vote in favor of **Council Bill 19-401**, sponsored by Councilman Bill Henry. This legislation will ban plastic bags which are a huge blight on our community.

As the owner of local retailer B. Willow, I support this ban. We feel very strongly about sustainable business practices, and making a positive impact on our community. Other than the plastic containers that our plants arrive to us potted in from our growers, we do not use any plastic, and we urge other businesses to do the same; however, we realize how much of a challenge it can be to motivate businesses to adopt more environmentally friendly practices.

Banning plastic bags is one way to achieve this. Societal change is hard, especially when it involves a change of habit or business practices, but today's environmental perils must be treated with urgency and priority. The per-bag cost for paper bags ranges from 12 cents and 20 cents, and is a cost that can be absorbed by my business given the environmental and public health costs associated with plastic bag use and pollution, the cost to continually cleanup litter, as well as impacts to tourism, recreation and community investment caused by trash - all of which can affect my business. In addition, I will also have the opportunity to sell branded, re-usable bags, which will both help the environment and provide a marketing opportunity.

I call on you to vote in favor of this legislation to reduce pollution and improve the health of neighborhoods and waterways across the city.

Sincerely,

Liz Vayda

Owner, B. Willow



To: Baltimore City Council

In support of the Comprehensive Bag Reduction Bill

August 6th, 2019

Dear Councilman Bill Henry and Council Members,

On behalf of MOM's Organic Market, I would like to express our **support of the Comprehensive Bag Reduction Bill** sponsored by Councilman Bill Henry.

My name is Alexandra DySard, and I am the Environmental Manager for MOM's Organic Market. I am also a Baltimore City resident in Councilman Stoke's District and a Trash Free Maryland Board Member.

For those unfamiliar, MOM's is a Maryland-based organic grocery chain, with an environmental purpose and 19 stores in operation. We allow customers to drop off dozens of items for recycling in an effort to alleviate the amount of waste sent to landfills and incinerators as well as a way to aid in giving a second life to packaging and reusable materials.

That said, less than 25% of all plastic in the US is recycled. While the plastic industry says plastic bags are recyclable, and technically they are, someone has to recycle them. Baltimore City doesn't offer this type of recycling to residents and actually relies on private businesses, such as MOM's, to take this waste on. As a business who collects your residents' plastic bags, I can tell you there is no market for this item and plastic bag recycling is an added cost to businesses and a thing of the past. Due to high contamination rates, at this point the majority of plastic bags are being landfilled or burned for energy.

When I think about plastic bags, I also think about litter, so another thing I want to point out is that not all litter is the same. A paper bag will start decomposing in a matter of days if left outside, but a plastic bag will stay decomposable in a tree or floating in the Inner Harbor for hundreds of years.

For these reasons MOM's banned plastic bags from all stores in 2005, switching to compostable and paper bags. There are great plastic bag alternatives on the market and I would be happy to discuss these with other businesses wanting to make the switch.

Councilmembers, you have the opportunity to be leaders on this issue and I urge you to support this bill. Thinking about how our actions affect our environment and community is how we do business and I hope that you will too. Thank you for your time and attention on this matter.

Sincerely,

Alexandra DySard
Environmental Manager
MOM's Organic Market - Central Office
5612 Randolph Rd.
Rockville, MD 20852

**In Support
Banning Plastic Bags**

August 1, 2019

Dear Baltimore City Council,

Re: Banning Plastic Bags

My name is Rev. Cheryl Bryant, I have lived in Baltimore City for over 60 years. I am the chair of the Friends of Library Square Committee of the Patterson Park Neighborhood Association, the Executive Director of Susanna Wesley House, Inc. in Mt. Vernon, and the Director of Christian Education at Freedom Baptist Missionary Church located in Belair-Edison area of Baltimore City. I'm here today to show my support of prohibiting plastic bags. As a Minister of the gospel I understand that God has placed mankind on this earth to be good stewards of our environment. This is a job that we can't afford to take lightly. We have to take care of our environment to ensure a healthy place for us to live in now and to guarantee a healthier, cleaner place as a legacy for our children and future generations to live in.

Thankfully, our Mayor and city council have already established a goal of Zero Waste. Banning plastic bags is a great step in that direction. There are hundreds, many even thousands of unwanted plastic bags littering the streets of my city and our great state. They lie in our gutters, ending up in the Chesapeake Bay killing fish and damaging our seafood industry. They hang from our trees like grotesque ornaments, and on windy days they fly over our streets like ghostly figurines. Nobody wants these bags. In Baltimore City we can't put them out in curbside recycling. A worker at the Prince George's County Recycling Center told me that most recycling is resold, but that plastic bags have no market value so they won't even take them. That's why banning plastic bags makes sense. It will greatly reduce the distribution of these bags while creating a revenue stream with a small fee for paper bags, but most importantly it will encourage the use of reusable bags. Let's act now before it is too late. Support the bag bill!

We must begin to eliminate plastic bags from our waste stream to reach a goal of zero waste. In order to change the behavior of our friends and neighborhoods, we must raise the public consciousness and support policies like this that help to educate our peers. Let's show the world that Baltimore is not the rat infested, crime ridden city that some say that we are, but that Baltimore is a city that cares about our environment by making it a cleaner greener place for all of us to live!

Thank you.

Sincerely,
Rev. Cheryl Bryant

Support a Ban on Plastic & Fee on Single-Use Bags

Contact Your Councilmember to Urge Support for this Bill

Banning Plastic and Placing a Fee on Single Use Bags Will Reduce Pollution

- Business will no longer be able to give customers a free bag at checkout.
- Plastic bags will be banned.
- Businesses will charge a 5 cent fee for other single use bags. The business will keep 1 cent of the fee; the City 4 cents.
- Bag legislation has been proven to be an effective means for reducing bag litter.
- Eliminating plastic bags and reducing other single-use bags puts us one step closer to cleaner and healthier communities and waterways.

POLLUTION RISK

Plastic bags are ubiquitous, insidious litter strewn along our highways, clogging storm drains and hanging from trees. They end up in creeks and streams, where the current carries them down rivers, into the Chesapeake Bay and ultimately the ocean. Wildlife mistake them for food.

LOW RECYCLING RATES

Only one percent of plastic bags are recycled according to Waste Management. The rest end up in landfills, are incinerated, or as litter. Plastic bags mistakenly disposed of in curbside recycling bins end up clogging recycling machinery, which costs municipal recycling processors money.

CLIMATE CHANGE

Plastic bags are made of petroleum, contributing to greenhouse gas emissions through extraction, manufacture, transport, use and disposal. By 2050, the greenhouse gas emissions from plastic could reach over 56 gigatons—10-13% of the entire remaining carbon budget (CIEL).



Why Support this Bill?

- Putting a fee on single-use bags increases the use of reusable bags.
- Since May 2014, Mr. Trash Wheel has collected 431,057 plastic grocery bags; that's roughly 260 bags per day.
- An average American uses 10 plastic bags per week or 520 per year; requiring the same petroleum that it takes to drive 60 miles according to the Center for Biological Diversity.
- Reducing litter leads to healthier communities. People living near vacant land that had been cleared of trash and restored reported increased feeling of safety, decreased perception of violence, and more opportunities to socialize with their neighbors, according to research by the Columbia Mailman School of Public Health. The same research team found that reducing blight lowers depression.
- In Maryland, Montgomery County has charged a five cent fee for all single-use bags since 2011. Chestertown banned plastic bags in 2012 followed by Takoma Park in 2016, and Westminster in 2019.

Support a Ban on Plastic & Fee on Single-Use Bags

How has a Bag Ban and Fee worked in other jurisdictions?

- Part of the bag fee is returned to the local government to fund litter mitigation, water protection programs, and distribution of reusable bags to residents.
- The District of Columbia saw a 72 percent reduction in plastic bag litter in the four years after instituting a 5 cent plastic bag fee according to the Alice Ferguson Foundation.

Who will be affected by the proposed bill?

- Almost all businesses that provide bags for purchases or take-out in Baltimore City will be affected.

What other products can I use?

- There are various alternatives available such as paper bags made from recycled content, or compostable plastic bags, along with reusable bags of different materials.
- Retailers can give their customers a credit for bringing their own bags.
- Most companies that provide plastic bags offer other types of bags.

What does the bill not apply to?

- Bags for dry cleaning, newspapers, or prescription drugs are exempted.
- Bags used to package fresh meat and seafood, produce, or unpackaged nuts and grains.
- Baked goods or confections.
- Items purchased at farmers markets.
- Customers using WIC benefits are exempt from the bag fee.



Trash Free
MARYLAND

ADDITIONAL RESOURCES

New York State: An Analysis of the Impact of Single-use Plastic Bags

https://www.dec.ny.gov/docs/materials_minerals_pdf/dplasticbagreport2017.pdf

Plastic bag sales in England down by a third in last year

https://www.theguardian.com/environment/2019/jul/31/shoppers-use-of-plastic-bags-in-england-continues-to-fall?CMP=share_btn_fb

More than a million plastic bags are used every minute

<https://southcoastsun.co.za/108778/more-than-a-million-plastic-bags-are-used-every-minute/>

Greening Vacant Lots Reduces Feelings of Depression in City Dwellers

<https://www.mailman.columbia.edu/public-health-now/news/greening-vacant-lots-reduces-feelings-depression-city-dwellers>

Microplastics in Four Estuarine Rivers in the Chesapeake Bay, U.S.A. (2014) -

<https://pubs.acs.org/doi/abs/10.1021/es5036317>

Anthropogenic contamination of tap water, beer, and sea salt (2018) -

<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0194970>

Indonesian study into health risks of microplastics (2018) - <https://www.bbc.com/news/science-environment-43913597>

Marine plastic has a cost to humans too

https://www.pml.ac.uk/News_and_media/News/Marine_plastic_has_a_cost_to_humans_too



August 6, 2019

Honorable Eric Costello
Chair, Judiciary Committee
100 Holliday Street
Suite 500
Baltimore, MD 21202

Dear Chairman Costello and Honorable Committee Members:

Council Bill 19-0401 – Comprehensive Bag Reduction Support

Blue Water Baltimore strongly supports a ban on single-use plastic bags and urges the Judiciary Committee to support Council Bill 19-0401. Blue Water Baltimore is an environmental nonprofit focused on improving water quality in the Baltimore Harbor and surrounding watersheds. As a Waterkeeper organization, our staff is out on the water regularly patrolling our streams, rivers, and Harbor for pollution. In this role, we have documented the devastating and detrimental effects that plastic bags have had in Baltimore's neighborhoods and waterways.

Plastic bags choke our stormwater inlets and lead to neighborhood flooding. They get wrapped around stream bank vegetation and become nearly impossible to fully remove during stream cleanups. Our water quality monitoring team regularly has to navigate around plastic bags in the Harbor to avoid damage to the engine of our Waterkeeper boat. In the Gwynns Falls, the plastic bags hanging from the trees act as a high-water mark from flash flooding in the area. In short, plastic bags are everywhere and they are a blight in our communities.

The Comprehensive Bag Reduction bill proposes a ban on plastic bags to encourage customers to bring their own reusable bags when shopping. If a shopper needs a single-use bag, they will be charged a 5-cent fee. As currently proposed, the retailer would keep 1 cent, and 4 cents would go to the city. Blue Water Baltimore supports amending the bill to have more funds going back to the businesses and would like to see a commitment that the money collected by the city for this bill be dedicated to litter reduction programs.

Reducing litter leads to healthier communities. Baltimore can be a leader in this area. The 2018 Baltimore City ban on Expanded Polystyrene (EPS) foam paved the way for a state ban on EPS foam in 2019, the second state in the country to do so. Please prioritize the health of our streams, Harbor, and all of Baltimore by supporting the 2019 Plastic Bag Bill. Thank you for your consideration of our comments.

Respectfully,

Alice Volpitta
Lead Water Quality Scientist
Blue Water Baltimore



AMERICAN
PROGRESSIVE BAG
ALLIANCE

August 6, 2019

Baltimore City Council, Judiciary Committee
100 N. Holliday Street, Suite 400
Baltimore, MD 21202

RE: Council Bill 19-0401 – Comprehensive Bag Reduction

Chair Costello of members the Baltimore City Council Judiciary Committee,

On behalf of the American Progressive Bag Alliance (APBA), an organization that represents our country's plastic retail bag manufacturers and recyclers, I thank you for the opportunity to share our concerns with Council Bill 19-0401, a policy that would ban 100% recyclable plastic bags.

We applaud the City of Baltimore for making sustainability a priority. Like each of you, the APBA cares deeply about environmental stewardship and sustainability, which is a primary reason why our members are pioneers in the field of plastic film recycling. Our members created the plastic film recycling infrastructure in the United States, and each year, hundreds of millions of pounds of plastic bags and film are collected from retail drop-off locations and recycled into new bags and other products, such as composite lumber, decking, and playground equipment.

While bag bans may lead to fewer plastic retail bags in the waste and litter streams, there are myriad unintended consequences that the City Council should consider:

- Recent research from the University of Sydney found that California's plastic bag ban led to a surge in sales of thicker, more resource-intensive trash bags. Since 77.7% of people reuse their plastic retail bags, most often as small trash can liners or to pick up pet waste, a plastic bag ban resulted in people buying more trash bags.
- The same University of Sydney study found that California's plastic bag ban also led to a surge in paper bag usage. Together, the increase in trash bag sales and surge in paper bags means that banning plastic shopping bags increased greenhouse gas emissions.
- Many other types of plastic film can be recycled alongside plastic bags, including bread bags, dry cleaning bags, Amazon pouches and air pillows, newspaper bags, produce bags, and much more. If plastic bags are banned, retailers will likely eliminate the plastic bag recycling bins at their stores. Without a place to recycle the aforementioned types of plastic film, Baltimoreans will throw this plastic away and increase the amount of plastic going to the landfill.
- Plastic bag bans lead to significantly increased costs for business owners, large and small. For example, moving to alternatives could cost an average grocery store between \$60,000 and \$80,000 per year. This cost will be passed on to customers and added to the proposed 5-cent tax that this legislation includes.
- Because plastic bag bans increase costs for grocers, this may result in an increase in healthy food priority areas. Unfortunately, for many Baltimoreans who already have to bus to the

closest grocery store or endure a lengthy walk to a corner store, these bills could make those trips even harder and more expensive as businesses pass extra costs onto their customers. Additionally, operating a business in a healthy food priority area can be challenging, and increasing operational costs on businesses who are providing a valuable service to low-income areas is not the intention of this bill, but it will be the result.

- When you consider the full lifecycle of plastic bags and alternative products – which we always should when discussing environmental impact – plastic retail bags are the best option in terms of sustainability and resource efficiency. Compared side by side with reusable bags and paper bags, three different studies from the governments of Québec, Denmark, and the United Kingdom all found that the traditional plastic retail bag has the smallest environmental footprint.

Overall, we feel strongly that promoting recycling and recycling education in Baltimore is a positive course of action that would benefit the whole area. Since 2005, the rate of plastic bag, film, and wrap recycling has more than doubled. All the while, high reuse rates for plastic retail bags persist – both of which can be leveraged to support Baltimore larger sustainability goals. While plastic retail bags are a sustainable choice for consumers, communities, and businesses in Baltimore, the APBA would welcome the opportunity to discuss potential policy solutions with the City Council so that we can work together to find something that will meet Baltimore's needs.

Sincerely,



Matt Seaholm
Executive Director, American Progressive Bag Alliance



**SIERRA
CLUB**

Greater Baltimore Group

Maryland Chapter

August 5, 2019

Hon. Eric Costello, Chair
Judiciary Committee
Baltimore City Council
100 Holliday Street, Suite 500
Baltimore, MD 21202

Dear Chair Costello and members of the Judiciary Committee,

**RE: Council Bill 19-0401 –
Support for Legislation to Reduce Single-Use Plastic and Paper Bags**

I'm writing on behalf of the Executive Committee of the Greater Baltimore Sierra Club Group in support of the objective of this legislation -- comprehensive reduction of single-use bags -- with recommendations to improve its effectiveness. Single-use plastic and paper bags have significant environmental consequences, including litter, marine pollution, and generation of waste. A 5-cent fee on single-use bags, supported in this bill for compostable plastic and paper bags, has been shown highly effective in encouraging reusable bag use or use of no bag at all, whether imposed as a tax or simply as a requirement that all retailers charge for checkout bags. However, to maximize the reduction in single-use bags, we recommend that the bill be amended to: (a) ban all plastic bags (not just non-compostable plastic bags), while retaining a fee on paper bags; and (b) replace the exemption of shoppers participating in FSP, WIC, and SNAP with the offer of a free or subsidized reusable bags.

Council Bill 19-0401 (first reader) would prohibit dealers from supplying customers with non-compostable plastic checkout bags. A 5-cent fee or "surcharge" would be levied on all compostable plastic and paper checkout bags, with 1 cent retained by the dealer and 4 cents by the City. Exemptions to the ban are carved out for specific-use bags (fresh fish, meat, and poultry; unpackaged produce, confectionery, cheese, and baked goods; ice; purchases at farmers' markets; prescriptions; newspapers; dry-cleaning) and customers using vouchers or electronic benefits from the Food Supplement Program (FSP), Women, Infants, and Children Program (WIC), and Supplemental Nutrition Assistance Program (SNAP).

1. Single-use bags have environmental consequences, which can be dramatically reduced by encouraging reusable bags or no bag at all

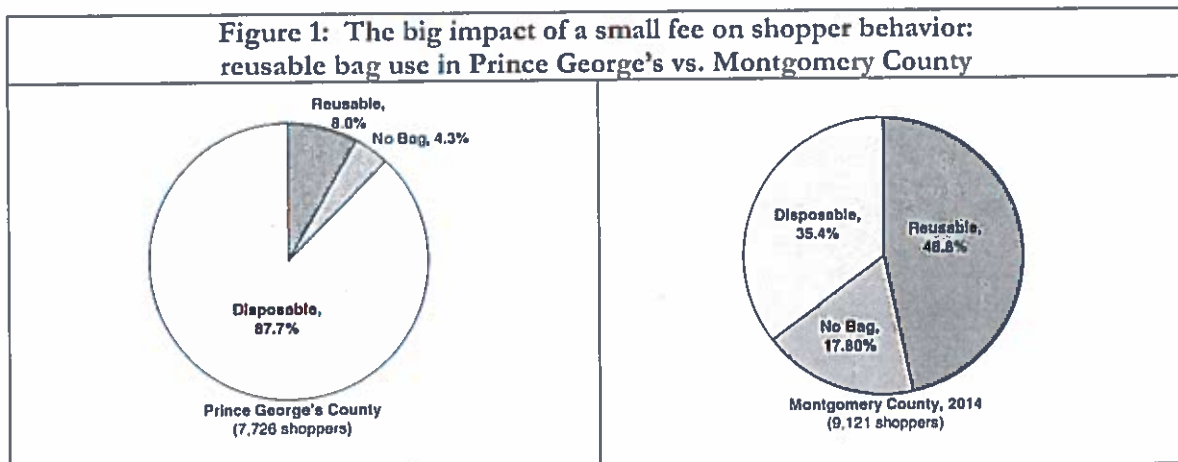
Plastic bags are a major source of litter, pollute the marine environment, and are rarely recycled. Lifted by a breeze, littered plastic bags can float long distances until they get caught in fences, trees, and bushes. They clog storm-water drains, and are carried into streams, rivers, and the ocean, where they pollute the marine environment and eventually break down into microplastics. Intact and in microplastic form, they are ingested by seabirds, fish, and marine animals, often with fatal results. Plastic bags are also a source of

preventable waste. Very few single-use plastic bags that make it into the waste stream are recycled – an estimated 1% of those produced.¹ Nearly all are landfilled or incinerated.

Single-use paper bags also have environmental impacts. While paper bags are biodegradable and do not contribute to plastic pollution in the oceans, their manufacture emits more greenhouse gases, creates more water pollution, and consumes more energy than does manufacture of plastic bags,² and requires the felling of trees. Paper bags also take up space in landfills.

2. The 5-cent fee proposed in this bill on some single-use bags is likely to have a large impact in changing consumer behavior and reducing their use³

There is compelling local evidence to support this claim. In 2014, volunteers of the Sierra Club and Neighbors of the Northwest Branch conducted a shopper survey at major grocery store chains in Prince George’s County (with no bag fee) and Montgomery County (with a 5-cent fee on all disposable bags, effective in 2012). The bag choices of nearly 17,000 shoppers were observed as they exited more than 100 grocery stores in the two counties – an hour’s observation at each store exit on a weekend. About 88% of Prince George’s County shoppers had exclusively disposable (mostly plastic) bags, compared with only about a third of shoppers in Montgomery County (Figure 1). The bag fee in Montgomery County not only increased the use of reusable shopping bags by a factor of nearly six relative to Prince George’s County, but the share of shoppers that opted for no bag at all was more than four times higher in Montgomery County. Overall, about two-thirds of shoppers in Montgomery County were using reusable bags or no bag to avoid the fee, with only 12% in Prince George’s County, without a fee.⁴ These differentials were observed even when controlling for household median income in each store’s zip code.⁵



Source: Prince George’s Sierra Club and Neighbors of the Northwest Branch, 2014 Survey of shoppers exiting five grocery store chains in Montgomery and Prince George’s Counties (Giant, Safeway, Food Lion, Shopper’s Food Warehouse, Wegmans)

¹ https://www.biologikadiversity.org/programs/population_and_sustainability/sustainability/plastic_bag_facts.html

² <https://1bagatime.com/learn/paper-bags>

³ https://www.huffingtonpost.com/entry/why-carryout-bag-fees-are-better-than-plastic-bag-bans_us_588187acc4b08f5134b61f79

⁴ This is likely an understatement of the impact of the Montgomery bag fee, since those who purchased disposable bags probably used fewer because of the fee.

⁵ A subsequent survey of nearly 3,000 shoppers in Howard County (with no bag fee) conducted in 2017 found that 85% of shoppers in six grocery chains were using exclusively disposable bags (plastic or paper).

It is important to note that from the consumer's perspective, the 5-cent fee is an incentive to shift to an alternative, irrespective of whether it is implemented as a tax that generates revenue or simply a mandate to retailers to charge a 5-cent fee at checkout for each bag. The results for Montgomery County in terms of shopper behavior would be the same.

3. Banning *all* plastic checkout bags – including compostable bags – will increase the effectiveness of the bill in reducing single-use bags, litter, marine pollution, and waste.

As currently drafted, only non-compostable plastic bags are banned by the bill, while compostable plastic bags are subjected to a fee. There are many reasons why compostable plastic bags should also be banned. Like non-compostable bags, they are also lightweight, will contribute to litter, and will be swept into waterways, though they may have less impact on marine pollution. Although theoretically compostable, they may not be compostable in backyard compost bins. According to the US Environmental Protection Agency, the “ASTM Standards 6400 and D6868 outline the specifications that must be met in order to label a plastic as commercially compostable. There are currently no ASTM standards test methods in place for evaluating the ability of a plastic to compost in a home environment.”⁶ In the absence of opportunities to actually compost the bags at industrial-scale food waste composting facilities, the bags will likely be thrown in the trash, ending up in a landfill or an incinerator.

4. The fee exemption of purchases by customers using a voucher or electronic benefit transfer should be dropped in favor of providing them with free or subsidized reusable bags

The bag fee part of the bill aims to incentivize customers to switch from single-use bags to reusable bags or no bag at all. Paying the fee can be avoided, and those with the lowest incomes will have the greatest incentive to switch to an alternative. If the concern is that the alternative (a reusable bag) may be too expensive, then the alternative should be subsidized. Enabling shoppers to continue to use “free” single-use bags at checkout is contrary to the objective of reducing single-use bags and waste more generally, and in the long-run is likely a more expensive alternative in terms of foregone revenue, given the much longer life span and relatively low cost of most reusable bags (\$1).

In summary, we endorse the objective of this bill to reduce single-use bags. We recommend that a second, more comprehensive and effective draft include a ban on all plastic checkout bags (compostable or not) while retaining a fee on paper bags, and that the fee exemption for some customers be abandoned in favor of a subsidy for reusable bags.

Sincerely,



Deborah Kleinmann, Chair
Greater Baltimore Group of the Maryland Sierra Club
1208 Regester Avenue
Baltimore, MD 21239

cc: Judiciary Committee members: Hon. Mary Pat Clarke (Vice-Chair), Hon. John Bullock, Hon. Leon Pinkett III, Hon. Edward Reisinger, Hon. Shannon Sneed, Hon. Robert Stokes, Sr.
Judiciary Committee staff: Matthew Peters

⁶ See “What’s the difference between biodegradable and compostable plastic bags?” at <https://www.epa.gov/trash-free-waters/frequently-asked-questions-about-plastic-recycling-and-composting>.

Council Bill 19-0401
Comprehensive Bag Reduction

August 6, 2019



Position: REQUESTING AMENDMENTS

Mr. Chairman, Committee Members and City Council:

On behalf of Baltimore City members of the *Restaurant Association of Maryland*, we have concerns about this legislation as currently drafted, and are requesting amendments that recognize/accommodate the practical differences between *foodservice* and the *retail sale of food* regarding an expressed primary goal of this bill.

We are not opposing the initial part of this legislation banning plastic bags because many City foodservice businesses had already switched to paper bags back in 2010 when a similar restriction was enacted as part of the *City's Plastic Bag Reduction Program* (administered by the Office of Sustainability). However, our City members have significant concerns about the latter part of this bill requiring our businesses to collect a 5-cent surcharge from customers (and remit to the City on a monthly basis) when using paper bags.

According to public comments by Councilmember Bill Henry and proponents, a goal of this legislation is to encourage customer use of reusable bags. In the foodservice industry, however, customers do not typically bring reusable bags into restaurants as they may do when making a planned trip to the grocery store, for example. Moreover, food safety concerns and best practices dictate clean, new bags for foodservice ready-to-eat foods – not reusable bags which may be contaminated and expose the restaurant to claims of being a possible cause of foodborne illness. For this reason, many restaurants refuse to place ready-to-eat foods into customer-provided reusable bags (which may have been previously used to carry potentially hazardous raw grocery meats or seafood typically associated with cross-contamination).

Paper carryout bags used by restaurants are duly treated differently in [Montgomery County](#), which enacted a carryout bag tax in 2012. Paper bags used by restaurants with on-premise dining areas are exempt from the tax there. The [District of Columbia](#) also duly exempts paper bags used by restaurants with on-premise dining areas from its carryout bag tax. We have requested that Baltimore City's legislation be amended in a similar fashion to exclude from the proposed surcharge PAPER bags that are provided by City restaurants with on-premise dining areas. Also, restaurants with on-premise dining areas do not typically generate the volume of carryout bag usage that this legislation seeks to address.

We have also proposed an amendment to the list of other surcharge exclusions to address an inconsistency in the bill that was brought to our attention by one of our bakery/cafe members. The surcharge exclusions list on page 7 of the bill does not include "*otherwise unpacked baked goods*," although it is included in the exemption list on page 4 of the legislation. We assume that this was merely an oversight in bill drafting, and our amendment simply corrects that.

We hope that you will be receptive to changes in this legislation to address our concerns.

Sincerely,

Melvin R. Thompson
Senior Vice President

DRAFT-1 (8/6/2019) Restaurant Association Amendments to CB 19-0401
Comprehensive Bag Reduction

AMENDMENT #1:

In Section 31-1 (Definitions) of the bill, on page 7 after line 6 insert:

(D) RESTAURANT. *(Note: Based on City Health Code Title 12, §12-107.2(2))*

“RESTAURANT” MEANS A BUSINESS ESTABLISHMENT THAT IS DEVOTED PRIMARILY TO SERVING FOOD AND DRINKS TO THE PUBLIC FOR ON-PREMISES CONSUMPTION BY SEATED PATRONS, AND MIGHT OR MIGHT NOT ALSO SERVE ALCOHOLIC BEVERAGES. A “RESTAURANT” DOES NOT INCLUDE ANY AREA OF A SUPERMARKET, DEPARTMENT STORE, OR OTHER RETAIL ESTABLISHMENT BEYOND THE KITCHEN AND PUBLIC DINING AREA. *(Note: Yellow highlighted text subject to change per discussions with bill sponsor)*

Change existing paragraphs (D) and (E) to (E) and (F) respectively.

AMENDMENT #2:

On page 7 line 16, before “CHECKOUT BAG” insert:

(I)

On page 8 after line 2, insert:

(II) “CHECKOUT BAG” DOES NOT INCLUDE A PAPER BAG THAT A RESTAURANT GIVES TO A CUSTOMER OR TO A DELIVERY SERVICE TO TAKE PREPARED OR LEFTOVER FOOD OR DRINK FROM THE RESTAURANT.

AMENDMENT #3:

On page 7 after line 22, insert:

(G) OTHERWISE UNPACKED BAKED GOODS

*On page 7 line 17 through page 8 line 2, change existing Roman numerals (I) through (XI) to **(A)** through **(L)** instead.*

1 (B) DEALER.

2 "DEALER" HAS THE MEANING STATED IN CITY CODE ARTICLE 7, § 62-1(E) {"DEFINITIONS:
3 DEALER"}.

4 (C) DIRECTOR.

5 "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF FINANCE OR THE
6 DIRECTOR'S DESIGNEE.

(D) RESTAURANT. (Note: Based on City Health Code Title 12, §12-107.2(2))

**"RESTAURANT" MEANS A BUSINESS ESTABLISHMENT THAT IS DEVOTED PRIMARILY TO
SERVING FOOD AND DRINKS TO THE PUBLIC FOR ON-PREMISES CONSUMPTION BY SEATED
PATRONS, AND MIGHT OR MIGHT NOT ALSO SERVE ALCOHOLIC BEVERAGES. A
"RESTAURANT" DOES NOT INCLUDE ANY AREA OF A SUPERMARKET, DEPARTMENT STORE, OR
OTHER RETAIL ESTABLISHMENT BEYOND THE KITCHEN AND PUBLIC DINING AREA.**

7 ~~(D)~~ **(E) CHECKOUT BAG.**

8 (1) IN GENERAL.

9 "CHECKOUT BAG" MEANS ANY PAPER OR PLASTIC SUPPLIED BY A DEALER TO A
10 CUSTOMER AT THE POINT OF SALE, PICKUP, OR DELIVERY TO CARRY PURCHASED ITEMS.

11 (2) INCLUSIONS.

12 "CHECKOUT BAG" INCLUDES A COMPOSTABLE PLASTIC BAG THAT MEETS THE
13 STANDARDS DESCRIBED IN CITYCODE ARTICLE 7, § 62-1(B)(2) {"DEFINITIONS:
14 CHECKOUT BAG"}.

15 (3) EXCLUSIONS.

16 **(I)** "CHECKOUT BAG" DOES NOT INCLUDE A BAG SOLELY USED TO CONTAIN:

17 ~~(I)~~ **(A)** FRESH FISH AND FRESH FISH PRODUCTS;

18 ~~(II)~~ **(B)** FRESH MEAT AND FRESH MEAT PRODUCTS;

19 ~~(III)~~ **(C)** FRESH POULTRY AND FRESH POULTRY PRODUCTS;

20 ~~(IV)~~ **(D)** OTHERWISE UNPACKAGED FRUITS, NUTS, OR VEGETABLES;

21 ~~(V)~~ **(E)** OTHERWISE UNPACKAGED CONFECTIONERY;

22 ~~(VI)~~ **(F)** OTHERWISE UNPACKAGED FRESH CHEESE;

(G) OTHERWISE UNPACKED BAKED GOODS;

23 ~~(VII)~~ **(H)** ICE;

24 ~~(VIII)~~ **(I)** FOOD AND GOODS OBTAINED AT A FARMERS' MARKET;

25 ~~(IX)~~ **(J)** PRESCRIPTION DRUGS OBTAINED FROM A PHARMACY;

1 ~~(X)~~ **(K)** NEWSPAPERS; OR

2 ~~(X)~~ **(L)** DRY-CLEANED GOODS.

(II) "CHECKOUT BAG" DOES NOT INCLUDE A PAPER BAG THAT A RESTAURANT GIVES TO A CUSTOMER OR TO A DELIVERY SERVICE TO TAKE PREPARED OR LEFTOVER FOOD OR DRINK FROM THE RESTAURANT.

3 ~~(E)~~ **(F)** PERSON.

4 "PERSON" MEANS:

5 (1) AN INDIVIDUAL;

6 (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY
7 KIND; OR

8 (3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR
9 REPRESENTATIVE OF ANYKIND.

10 § 31-2. *{RESERVED}*

11 § 31-3. SURCHARGE IMPOSED.

12 (A) *JN GENERAL.*

13 A SURCHARGE IS IMPOSED ON EVERY CHECKOUT BAG SUPPLIED BY A DEALER TO A
14 CUSTOMER.

15 (B) *AMOUNT OF SURCHARGE.*

16 THE AMOUNT OF THE SURCHARGE IS 5 CENTS FOR EACH BAG.

17 (C) *NO EFFECT ON DEALER'S OWN IMPOSITION.*

18 NOTHING IN THIS SECTION LIMITS THE ABILITY OF A DEALER TO IMPOSE A SEPARATE
19 PURCHASE OR SERVICE FEE FOR A CHECKOUT BAG PROVIDED TO A CUSTOMER.

20 § 31-4. COLLECTION AND REMITTANCE.

21 (A) *DEALER TO COLLECT.*

22 (1) THE DEALER MUST COLLECT THE SURCHARGE IMPOSED BY THIS SUBTITLE FROM THE
23 CUSTOMER TO WHOM THE CHECKOUT BAG IS SUPPLIED.

24 (2) THE AMOUNT OF THE SURCHARGE MUST BE ITEMIZED ON ANY RECEIPT, INVOICE, OR
25 LIKE DOCUMENT ISSUED TO THE CUSTOMER.



Baltimore City
Chamber of Commerce

August 4, 2019

Honorable Eric Costello
Chairman, Judiciary Committee
Baltimore City Council
100 Holliday Street, Suite 500
Baltimore, Maryland 21202

Re: 19-0401 Comprehensive Bag Reduction

Dear Chairman Costello:

The Baltimore City Chamber of Commerce is aware of possible adverse effects that the "Comprehensive Bag Reduction" bill may have on the local merchants and their customers.

The Chamber respectfully requests that the members of the Judiciary Committee favorably consider the amendments presented by the Maryland Retailers Association and The Restaurant Association of Maryland.

Sincerely,

Hal Resnick
Chair, Public Policy Committee
Baltimore City Chamber of Commerce



August 6th, 2019

Judiciary Committee
100 N Holliday St
Baltimore, MD 21202

Comprehensive Bag Reduction - 19-0401
Position: Support

Chairman Costello, Vice Chair Clarke, and Honorable Members of the Judiciary Committee,

On behalf of Food & Water Watch and our more than 15,000 supporters in Baltimore City, we urge you to support CB 19-0401, Councilman Henry's Comprehensive Bag Reduction. This legislation would ban plastic bags from Baltimore City, which would have a tremendously positive impact on the environmental health of our city and its harbor.

Americans use 100 billion plastic bags each year, and the average family uses nearly 1,500 plastic bags annually. Due to single stream recycling in Baltimore City, plastic bags are no longer accepted as recyclable. Plastic bags jam the machines to sort the recycling, meaning these bags must be thrown away, to later be incinerated. The Wheelabrator incinerator is detrimental to our city's health in numerous ways, and incinerating plastic bags fuels this public health crisis. When they aren't thrown in the trash, plastic bags are a major source of pollution in our communities, and in the Chesapeake Bay.

Plastic bags are also a threat to our climate. The fracking industry in the U.S. has been ramping up production, lowering the price for gas. Fracking has produced an oversupply of cheap ethane, a hydrocarbon present in natural gas that has been a boon for the plastics industry, which relies on petrochemical manufacturing to turn ethane into plastics.

The plastics industry has taken advantage of this low cost of gas, and expanded their infrastructure to use fracked gas for plastics production. Industry experts suggest that the plastics industry will have added 28 million tons of plastics production between 2011 and 2020, and more than \$202 billion is slated to be invested in 333 new facilities and expansions to take advantage of fracked gas. The new partnership has promoted a plastics manufacturing infrastructure boom that threatens communities and the environment near the new factories, as well as fueling our climate crisis through more fossil fuel extraction.

For these reasons, we urge you to issue a favorable report on CB 19-0401, the Comprehensive Bag Reduction. Consumers have become reliant on plastic bags, but with this legislation, we can shift Baltimoreans' behavior, and move toward reusable bags.

Thank you,

Rianna Eckel
Senior Maryland Organizer
Food & Water Watch
reckel@fwwatch.org
410-394-7652

WATERFRONT PARTNERSHIP

OF BALTIMORE

August 5, 2019

Baltimore City Council

Mr. Chair and members of the City Council,

The Waterfront Partnership of Baltimore submits this testimony in support of banning plastic bags in Baltimore City. We are a Business Improvement District responsible for maintaining, improving, and protecting Baltimore's Inner Harbor. We represent major businesses and developers located along the Baltimore Waterfront. In 2010 we set a goal, in partnership with Baltimore City, to have a swimmable and fishable Baltimore Harbor by the year 2020. To that end, we have supported the implementation of the stormwater management fee, the banning of foam containers, installation the world's first and second solar-powered water wheel trash interceptors, and advocated for City Council proposals aimed at reducing litter in our neighborhoods and streams. We do this because it is good for the environment but also because it is good for business.

The Inner Harbor has been the driving economic force in Baltimore throughout our City's history. When it was an industrial center little attention was paid to the quality of the water. Now, the Inner Harbor is a center for tourism and business receiving 14 million visitors annually, supporting 21,000 jobs, and generating \$2.3 billion in overall economic activity including \$102 million in annual tax revenue for the City and State. We also have the 8th fastest growing downtown population in the nation. Visitors, residents, and employees have an expectation of what they will experience when they go to the Inner Harbor and if we fail to meet that expectation visitors may not return, businesses may relocate, and residents may move elsewhere. We know that expectation includes clean parks and healthy water. Waterfront Partnership works to keep our waterfront parks clean, but the water can be more challenging.

The Inner Harbor sits at the end of the Jones Falls, a stream that drains 64 square miles of land in Baltimore City and Baltimore County. When it rains, a tremendous amount of litter comes down the Jones Falls and covers the Harbor. That is why, in May of 2015, we installed Mr. Trash Wheel at the mouth of the Jones Falls. Not only does Mr. Trash Wheel capture most of the floating trash coming down the stream, it also allows us to keep track of what types of trash we are collecting. Over the last five years, Mr. Trash Wheel has picked up 451,000 single-use plastic bags.

The businesses that make up Waterfront Partnership pay us to collect this litter, but they would rather we spend their money on events, landscaping, and attractions like the Inner Harbor Ice Rink. This bill would simultaneously save businesses money and increase revenue around the Harbor because a Harbor that is clean and healthy is a harbor that people will visit time and again.

WATERFRONT PARTNERSHIP OF BALTIMORE

Single-use plastic bag litter negatively effects tourism and business in Baltimore. The time has come to do something about it. Mr. Trash Wheel has become a global sensation. It has been viewed over 100 million times online and featured on NBC News, National Public Radio, Voice of America, and in the Huffington Post because it is an innovative solution to cleaning up litter. Maryland, however, should be known for being proactive in keeping litter out of its waterways, not just for our innovative solutions for cleaning it up. Imposing a ban on single-use plastic bags will have an immediate impact on the amount of trash in our Harbor.

We respectfully ask City Council to support this bill.

Sincerely,



Adam W. Lindquist
Director, Healthy Harbor Initiative
Waterfront Partnership of Baltimore
(443) 743-3309
Adam@WaterfrontPartnership.org



1,337 Plastic bags found in one Mr. Trash Wheel dumpster



19-0401 Comprehensive Bag Reduction

Judiciary Committee

August 6, 2019

Position: Favorable

Dear Chairman Costello and Members of the Committee,

Clean Water Action is a grassroots advocacy organization focused on issues that impact water quality in Baltimore, Maryland, and nationally. Our Maryland office has been based in Baltimore City since 1980.

Plastic bags are a persistent source of litter in our streams and waterways, a nuisance for storm drains and a nightmare at recycling facilities. They are lightweight and durable, enabling them to easily float away and remain in our environment for years.

Every year, Americans throw away more than 100 billion plastic bags. While recycling is technically feasible and collection is often found at grocery stores, recycling rates average around 7 percent.¹ In Baltimore City, plastic bags are not accepted at the curb. Well meaning residents often place them in curbside recycling, where they tangle and foul up recycling equipment and can contaminate batches of plastic.

When thrown away, plastic bags do not rot if sent to a landfill. If they are sent to an incinerator, like the one in South Baltimore, they melt and create dioxins, a group of highly toxic chemicals that contribute to the risk of diabetes, cardiovascular disease, impaired immune response, cancer, and a host of other health impacts. Recycling and education are not feasible solutions - proper recycling is difficult and when thrown away they sit forever or burn and pollute the air.

This is why we support this legislation to move off Baltimore off plastic bags. By charging a small fee on paper bags, which are more expensive but can be recycled, composted, or decompose in a landfill, and returning some of that fee to business owners this bill does not place an undue burden on businesses in the area.

Clean Water Action encourages the Committee to retain the provision exempting purchases made with SNAP, WIC, and similar programs from the fee. While assessing this fee is important for fairly reimbursing retail establishment for the extra cost of paper bags and encouraging

¹ Pecci, Kristie. "Proposed Plastic Bag Ban Would Benefit Environment and Economy." Conservation Law Foundation. 2018, July 23. Retrieved: 8/1/2019.

people to bring reusable bags, assessing this fee on households already the most in need of financial assistance would not be equitable.

While this legislation cannot specify how city funds raised by the fee on paper bags be used, we believe that this extra revenue should be devoted towards providing free, durable, reusable bags to Baltimore City residents. Moving toward a zero waste future where we rethink disposable products overall - whether paper or plastic bags - is the direction we need to go to combat climate change and protect local air and water pollution.

Finally, this bill should not be narrowed to only apply to grocery and food establishments. The impact of plastic bags have on the environment does not change depending on where or how the bag was used. All plastic bags have negative impacts, including: pollution impacts of extracting the oil to create them, the batches of recycling they contaminate, clogging storm drains, and generally contributing to litter.

Thank you for your attention to this issue. Bag bans are a common sense approach to dealing with these non-degradable products that are thrown away regularly, amassing in landfills, storm drains, and our waterways.

Sincerely,

Emily Ranson
Maryland Program Coordinator
Clean Water Action
eranson@cleanwater.org
443-562-2832

Peters, Matthew

From: Theresa Furnari <tafurnari10@gmail.com>
Sent: Monday, August 12, 2019 10:22 PM
To: Peters, Matthew; Costello, Eric
Subject: Plastic Bag Reduction
Attachments: No bag, thank you - Edge out single-use bags.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

[THIS EMAIL IS FROM AN EXTERNAL SENDER]

Good Evening: As a long term active resident of Baltimore City, I am all in favor of reducing the use of single use plastic bags. The litter that I pick up weekly on York Road and Northern Parkway always includes plastic bags, especially the small black bags popular with liquor stores to hide the public consumption of alcohol. Attached please find some insightful information as the amount of energy that is consumed to create the bags. The bags pollute our waterways, streets and clog our sewers. And for what, generally one minute of use. May I humbly propose that similar to the large trash bins, provide a reusable bag to every homeowner in Baltimore City and written on the bag can be "Baltimore City Residents Care."

Thank you and I hope we can all make a positive difference.
Theresa A. Furnari
President, Lake Evesham Community Association.

Say **"NO BAG, THANK YOU."**

Seriously, do you need a bag to carry an item or two from a store or deli?

Of course not. Tell the store clerk, **"No bag, thank you."**

- Instead bring your own bag. Or just hold your purchase! It's not hard. And it's darn good for the environment.
- But what if the store clerk bags your purchase before you notice? Just remove it and proudly say, **"No bag, thank you."**

Did you know ...

- Paper bags are **not** an environmental substitute for plastic bags!
- Both types of bags are bad:
 - The creation of **paper bags** generates twice the carbon footprint, four times the waste, and twenty times the water usage as plastic bags. Shipping them has a significantly larger carbon footprint than plastic bags because they're larger and heavier. These bags aren't even good for retailers because they cost more than plastic. Further, paper only biodegrades within a few years if it's outside in the open air. Otherwise, if it's buried in a pile of garbage, it takes many years to biodegrade.
 - The creation of **plastic bags** require an estimated 12 million barrels of oil to manufacture each year in the US. The 100 billion plastic bags consumed annually in the US are used on average for 12 minutes, but then sit in a landfill for roughly 1,000 years. And they don't biodegrade. Instead they photo-degrade: The plastic breaks apart into millions of little pieces which end up in water and soil – eventually ending up in our food.
- So it's a mistake to use either type of bag.

How you can help ...

Say, "No bag, thank you." Or reuse one bag every day. It adds up:

- If you're 40 and live to 85, you alone will save 16,425 bags.
- You'll cut the pollution caused by the creation of plastic bags.
- You'll help fish and animals avoid dying from ingestion.
- You'll feel good having left a healthier planet to our kids and their kids.
- And if you can get just 2 more people to follow your great selfless example...

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Peters, Matthew

From: diane@echotopia.org
Sent: Sunday, August 18, 2019 9:53 AM
To: Costello, Eric; Clarke, Mary Pat; Bullock, John; Pinkett, Leon; Reisinger, Edward; Sneed, Shannon; Stokes, Robert; Peters, Matthew
Cc: Henry, Bill (email)
Subject: CORRECTED RE: Zero Waste Business Echotopia, Owner's Written Testimony Supporting Plastic Bag Reduction Act

[THIS EMAIL IS FROM AN EXTERNAL SENDER]

Hello,

See corrected version below. I just corrected today's date. Have a good day. Thank you.

Sincerely,

Diane Wittner
Owner & Alchemist
Echotopia LLC
Baltimore, MD

Echotopia LLC
diane@echotopia.org
410.963.5527

Website* Twitter* Facebook* Instagram

Echotopia sells biodegradable, zero waste household cleaners made with our medicinal garden herbs and aromatherapeutic essential oils. Visit our stall - and refill station - at Baltimore farmers' markets. Together, we build the regenerative & local living economy.

Hello,

In advance of the August 28th work session and eventual vote on Councilman Bill Henry's proposed Plastic Bag Reduction Bill, I respectfully submit my written testimony to the Judiciary Committee for the consideration of the Baltimore City Council and residents of Baltimore and Maryland.

Thank you,
Diane Wittner

Sunday, August 18, 2019, Baltimore, MD

I am a Baltimore area founding owner of a zero waste cleaning product business, Echotopia LLC. I make and sell trash-free everyday cleaning powders. About two weekends monthly I set up a stall with a refill station at Baltimore's two biggest farmers markets: 32nd Street Market in Waverly on Saturdays, and Baltimore Farmers Market on Sundays. Customers have choices when purchasing my products; they can bring their own containers for any quantity, they can use my recycled glass or plastic containers, or they can purchase my products in my bright new jars and return for refills, with or without the original containers, since I offer my recycled containers. I never offer new plastic bags for our purchases or refills; I designed my packaging model this way. Echotopia has an online store for occasional customer needs only.

Echotopia has been in business just four years, and I have a growing cadre of enthusiastic and grateful customers who are just plain happy and relieved to engage in zero waste purchases of everyday household products, something they have been desperately seeking. I hear this narrative over and over and over again from people from all walks of life. Children and youth in particular seem to be especially grateful for my business model. But so do concerned adults. After all, given what we all now know about the deadly origins and side effects of plastic in extraction (it's a fossil fuel byproduct), dirty production, use, and inability to break down or ever decompose safely, more and more people are worried. Understandably, no one likes the heavy guilt of depending on plastic bags. They are ugly and ruin our neighborhoods, communities and nature. This goes for plastic bags in city streets, or stuck on a tree branch, or floating in a local stream or river.

As of this writing, Echotopia has prevented more than 2,200 items of plastic trash. See attached photo of our rustic chalk board "Echotopia's Creature Love Refill Sign" where the numbers go up after every market day. And a glance at Echotopia's [Website](#) [Instagram](#) and [Facebook](#) photographs reveal many, many smiling customer faces. In spite of limited retail hours, I acquire new customers monthly, and my number of refill sales continue to go up each year.

As Echotopia's owner, I must frequently analyze and adjust the economics of my business. I well understand the economic implications for retailers of making this change, because a zero waste business model is going to require adjustments, i.e. taking financial responsibility for ensuring that packaging originating in a retail establishment causes no environmental harm to any community or living system.

But there's good news. In over four years, I have learned that customers are flexible. They will visit my stall and purchase my products, and then they'll come back again and again. They'll likely be smiling and returning to similar retail establishments in Baltimore, glad to be on the leading edge of a 21st century retail exchange that eventually eliminates the need for dirty incineration and landfill, one that actually matches our shared values by protecting public health, our city and its natural resources.

But business owners and customer behaviors alone can't continue to shift in the right direction towards a cleaner environment and zero waste without government support. That is why I support Councilman Bill Henry's Plastic Bag Reduction Act.

Baltimore, we can lead the way to cleaner cities. We can do this. Let's pass the Plastic Bag Reduction Act.

Sincerely,

Diane Wittner
Owner & Alchemist
Echotopia LLC
Baltimore, MD

Echotopia LLC
diane@echotopia.org
410.963.5527
Website*Twitter*Facebook*Instagram

Echotopia sells biodegradable, zero waste household cleaners made with our medicinal garden herbs and aromatherapeutic essential oils. Visit our stall - and refill station - at Baltimore farmers' markets. Together, we build the regenerative & local living economy.

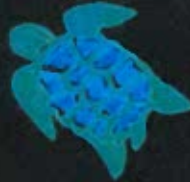
customers, be proud!



2,200 Refills!

not
trash!

#Echotopia



echotopia.org

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Judiciary Committee

Tuesday, August 6, 2019

9:01 AM

Du Burns Council Chamber, 4th floor, City Hall

19-0401

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEM SCHEDULED FOR PUBLIC HEARING

19-0401

Comprehensive Bag Reduction

For the purpose of repealing the Plastic Bag Reduction Program; prohibiting certain dealers from supplying customers with plastic bags for use as checkout bags; authorizing certain exemptions; defining certain terms; imposing certain civil and criminal penalties; imposing a surcharge on checkout bags supplied by dealers to certain customers; and providing for special effective dates.

Sponsors:

Bill Henry, Ryan Dorsey, John T. Bullock, Shannon Sneed, Kristerfer Burnett, Mary Pat Clarke, President Brandon M. Scott, Zeke Cohen, Sharon Green Middleton, Edward Reisinger

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC



**CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD**

Committee: Judiciary

Chairperson: Eric Costello

Date: August 6, 2019

Time: 9:01 AM

Place: Clarence "Du" Burns Chambers

Subject: Ordinance - Comprehensive Bag Reduction

CC Bill Number: 19-0401

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY		WHAT IS YOUR POSITION ON THIS BILL?		(* LOBBYIST: ARE YOU REGISTERED IN THE CITY)	
						FOR	AGAINST	YES	NO		
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>					
Jacob	KLEIN		Shop Rite	21207	jacob.klein@wakefern.com						<input checked="" type="checkbox"/>
Dennis	ZORLU		EDDIE'S MT VERNON	21201	eddies.mtvernon@gmail.com						<input checked="" type="checkbox"/>
Matt	Seahara		APRA	20005	mseahara@stskindshyng.com						<input checked="" type="checkbox"/>
David	Guzman		CHINA	21009	dguzman@hdllca.org						<input checked="" type="checkbox"/>
Jessica	Specker		BCHD	21202	jessica.specker@baltimorecity.gov						<input checked="" type="checkbox"/>
Cheryl	Bryant		117 N. Kenwood Ave	21224	bryantcheryl@aol.com						<input checked="" type="checkbox"/>
Tanisha	Washington		3520 Elterise Ave	21218	tanishaw@washingtonparliament.org						<input checked="" type="checkbox"/>
Kimela	Kendall		3418 Ashland Ave	21205							<input checked="" type="checkbox"/>
Murphy	Frank										<input checked="" type="checkbox"/>
Alexandra	DySaard		22 E MADISON ST #14	21202	alexandra@alexandradysard.com						<input checked="" type="checkbox"/>

(* NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730. FAX: 410-396-8483.



**CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD**

Committee: **Judiciary** Chairperson: **Eric Costello**
 Date: **August 6, 2019** Time: **9:01 AM** Place: **Clarence "Du" Burns Chambers**
 Subject: **Ordinance - Comprehensive Bag Reduction** CC Bill Number: **19-0401**

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO
John	Doe	100	North Charles Street	21202	Johndoebmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
JERRY	GORDON	3117	ST PAUL ST	21228	JERRY@EDDIESMARKET.COM	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Kam	Clark	36	S. CHARLES ST #2100	21201	rdark@ballimordevelopment.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Adam	Lindquist		650 S. EIGHTH ST #200	21202	Adam@WaterforPartnership.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Marcia	Gillins		DP2B			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Alice	Tolpitta		Blue Water Baltimore	21211	avolpitta@bluewaterbaltimore.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Debra	Urb		EGB			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Emily	Ranson					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Emily	SCARR			21228		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Lanna w.	watmore		1415 E. 33rd St	21278	Lanna@wotwntpmla.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.



CITY OF BALTIMORE

CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Judiciary Chairperson: Eric Costello
 Date: August 6, 2019 Time: 9:01 AM Place: Clarence "Du" Burns Chambers
 Subject: Ordinance - Comprehensive Bag Reduction CC Bill Number: 19-0401

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO	WHAT IS YOUR POSITION ON THIS BILL?	LOBBYIST: ARE YOU REGISTERED IN THE CITY
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Ashley	Pennington		Wash Free Maryland	21224	ashley@trashfreemaryland.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Jennifer	Driban		National Aquarium		jdriban@naaqa.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Colleen	Collins		MD Peppers Assoc.	21401	colleen@mdpeppers.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Melvin	Thompson		Restaurant Assoc.	21046	mthompson@marylandrestaurantassoc.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	surcharge	<input checked="" type="checkbox"/>
Maria	Vaccaro		Vaccaro's Bakery Cafe			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	surcharge	<input checked="" type="checkbox"/>
Kristin	Dawson		Baltimore Development Corp	21201	kdawson@baltimoredevelopment.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Rose	Jansson		One Side Circle	21401	roseganss@one-side.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Liz	Wyllen		B. Willen	2111	liz@bwillen.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Poland	Yeh		Amicus	21202	poland.yeh@gmail.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	surcharge	<input checked="" type="checkbox"/>
Stephen	Kuan		ShopRite	21224	skuan@shoprite.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>

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BILL SYNOPSIS

Committee: Judiciary

Bill 19-0401

Comprehensive Bag Reduction

Sponsor: Councilmember Henry, et al

Introduced: June 17, 2019

Purpose:

For the purpose of repealing the Plastic Bag Reduction Program; prohibiting certain dealers from supplying customers with plastic bags for use as checkout bags; authorizing certain exemptions; defining certain terms; imposing certain civil and criminal penalties; imposing a surcharge on checkout bags supplied by dealers to certain customers; and providing for special effective dates.

Effective: Upon enactment in part, and one year after the date it is enacted in part

Hearing Date/Time/Location: August 6, 2019/9:01 AM/Clarence 'Du' Burns Chamber

AGENCY REPORTS

City Solicitor	Favorable with Amendment
Office of Sustainability	Favorable
Baltimore Development Corporation	Opposed
Department of Public Works	Favorable with Comments
Environmental Control Board	No Objection
Department of Finance	
Health Department	

ANALYSIS

Current Law

Article 15 (Licensing and Regulation), Subtitle 16 of the Baltimore City Code regulates the distribution of plastic bags by persons engaged in the retail sale of goods (“dealers”) and establishes the City’s Plastic Bag Reduction Program. Section 16-5(a) prohibits food dealers from providing purchasers of any product with a plastic bag (other than a reusable plastic bag) for use as a checkout or carryout bag, unless the food dealer is enrolled in, and complies with the requirements of, the Plastic Bag Reduction Program. Section 16-5(b) further requires all dealers, whether of food or other goods, who offer to provide checkout or carryout bags to prominently post at their registers a policy of providing plastic bags only if requested by the customer.

Violators of section 16-5(a) can be subject to injunctive relief and/or environmental citations. The enumerated penalties for violations of section 16-5(a) are \$250 for the first violation, \$500 for the second violation in a six-month period, and \$1000 for the third or subsequent violation in a six-month period. Each day is a separate violation. Violations of section 16-5(b) are not subject to injunctive relief, environmental citations, or the enumerated penalties.

Article 1, Subtitle 40 of the Baltimore City Code authorizes the issuance of environmental citations and provides enumerated penalties for violations of certain ordinances, including section 16-5(a) of Article 15.

Article 28 of the Baltimore City Code establishes various taxes.

Bill Summary

Prohibition on Certain Plastic Bags

The bill repeals Article 15, Subtitle 16 of the Baltimore City Code and replaces it with a new Subtitle 62 to Article 7 (Natural Resources). The new Subtitle 62 provides that no dealer may supply customers with plastic checkout bags. The subtitle excludes compostable plastic bags that meet certain requirements from the definition of plastic checkout bags. The subtitle also exempts from the prohibition bags for certain products and bags provided with purchases made using vouchers or payment cards issued under the Food Supplement Program (FSP), Women, Infants, and Children Program (WIC), or the Supplemental Nutrition Assistance Program (SNAP).

The new Subtitle 62 requires the Health Commissioner to adopt implementing rules and regulations. Additionally, the Commissioner must submit an annual report to the Mayor and

City Council detailing the number of inspections conducted and citations issued under the subtitle.

The new subtitle 62 provides for enforcement through environmental citations. Additionally, any dealer who violates any provision of the subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each offense. Each bag supplied to a customer in violation of the subtitle is a separate offence.

The bill also amends Article 1, Subtitle 40 to repeal the existing enumerated penalties for violations of Article 15, Subtitle 16, and to enact the same enumerated penalties for environmental citations issued pursuant to Article 7, Subtitle 62 (\$250 for the first violation, \$500 for the second violation in a six-month period, and \$1000 for the third or subsequent violation in a six-month period).

Surcharge on Bags

The bill adds a new Subtitle 31 to Article 28 (Taxes), establishing a 5 cent per bag surcharge for checkout bags (including paper and compostable plastic bags) supplied by dealers to customers. Bags for certain products are excluded from the definition of checkout bags.

Under the new Subtitle 31, dealers are required to collect the surcharge from the customer to whom the checkout bag is supplied, and to itemize the surcharge on any receipt, invoice, or other like document issued to the customer. Dealers must remit the surcharge to the Director of Finance on a monthly basis, but may retain 1 cent from each 5 cent surcharge for administrative expenses. Dealers must also submit monthly reports on transactions involving checkout bags to the Director with their remittance.

Subtitle 31 provides that, if a person fails to remit the required surcharge, file the required reports, or maintain suitable records, the Director may estimate the surcharge due based on available information. The Director may then assess the estimated surcharge, plus interest and penalties, against the liable person. Subtitle 31 sets the interest rate at 1 percent per month that the surcharge is overdue, and the penalty at 10 percent of the amount of the surcharge due.

Any person who violates any provision of Subtitle 31 or any rule or regulation adopted under the subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 or to imprisonment for not more than 6 months or to both fine and imprisonment for each offence.

Outreach and Education

The bill requires the Baltimore City Department of Health in conjunction with the Baltimore City Office of Sustainability to engage in an outreach and education campaign to all affected dealers and their customers informing them of the prohibitions, exemptions, and penalties set forth in the ordinance. This campaign may include providing signs for point of sale stations and storefronts, media buys and placements, and public service announcements. This portion of the bill is effective upon enactment.

Background

A 2013 report of the Maryland Department of the Environment's Solid Waste Management – Recycling and Source Reduction Study Group included, among other things, a discussion of bag legislation and programs. The report made several conclusions about plastic bags and related programs, including that:

- while plastic bags are small contributors to waste, they are larger contributors to litter and create problems for conventional recycling programs;
- mandatory bag take-back programs (such as Baltimore's current Plastic Bag Reduction Program) are largely ineffective at producing substantial increases in the recycling of bags; and
- Washington DC's 5 cent per disposable bag tax appears to have been successful in drastically reducing the amount of bags distributed.

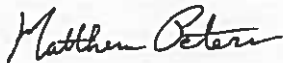
Three Maryland municipalities, Chestertown, Takoma Park, and Westminster, have banned some or all single-use plastic bags. Chestertown prohibits retail establishments from providing customers with plastic checkout bags less than 2.40 mils thick, with exceptions for bags used by take-out restaurants and compostable plastic bags. Takoma Park prohibits retail establishments from providing disposable plastic bags to customers at the point of sale, with exceptions for bags provided prior to the point of sale to contain certain products. Westminster prohibits businesses from providing single-use plastic carryout bags to customers, but exempts bags for certain products, bags used by take-out restaurants, and bags used by businesses with fewer than 25 employees.

Montgomery County, Maryland has imposed a 5 cent per bag tax on most plastic and paper bags provided by retailers. The retailers are permitted to retain 1 cent per bag to offset their administrative costs. Montgomery County originally projected that revenues from the tax would peak at about \$1.1 million in fiscal year 2013, the first full year of implementation. However, the county collected nearly \$900,000 during the second half of fiscal year 2012, followed by revenues of \$2.39 million and \$2.41 million in fiscal 2013 and 2014, respectively.

ADDITIONAL INFORMATION

Fiscal Note: None

Information Source(s): Baltimore City Code; Reporting Agencies; Maryland Department of the Environment; Maryland General Assembly, Department of Legislative Services; Town of Chestertown, Maryland Code of Ordinances; Takoma Park, Maryland Municipal Code; Code of the City of Westminster; Montgomery County Code; Bill 19-0401.



Analysis by: Matthew L. Peters
Analysis Date: August 2, 2019

Direct Inquiries to: (410) 396-1268

**CITY OF BALTIMORE
COUNCIL BILL 19-0401
(First Reader)**

Introduced by: Councilmembers Henry, Dorsey, Bullock, Sneed, Burnett, Clarke, President Scott,
Councilmembers Cohen, Middleton, Reisinger

Introduced and read first time: June 17, 2019

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Office of Sustainability, Department of
Finance, Environmental Control Board, Health Department, Baltimore Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Comprehensive Bag Reduction**

3 FOR the purpose of repealing the Plastic Bag Reduction Program; prohibiting certain dealers
4 from supplying customers with plastic bags for use as checkout bags; authorizing certain
5 exemptions; defining certain terms; imposing certain civil and criminal penalties; imposing a
6 surcharge on checkout bags supplied by dealers to certain customers; and providing for
7 special effective dates.

8 BY repealing

9 Article 15 - Licensing and Regulation
10 Subtitle 16 - Plastic Bag Reduction
11 Baltimore City Code
12 Edition 2000

13 BY adding

14 Article 7 - Natural Resources
15 Section(s) 62-1 to 62-11, to be under the new subtitle,
16 "Subtitle 62. Plastic Bag Reduction"
17 Baltimore City Code
18 Edition 2000

19 BY repealing and reordaining, with amendments

20 Article 1 - Mayor, City Council, and Municipal Agencies
21 Section 40-14(e)(.5a)
22 Baltimore City Code
23 Edition 2000

<p>Explanation: CAPITALS indicate matter added to existing law. [Brackets] indicate matter deleted from existing law.</p>

Council Bill 19-0401

1 BY repealing

2 Article 1 - Mayor, City Council, and Municipal Agencies
3 Section 40-14(e)(2) (“Subtitle 16. Plastic Bag Reduction”)
4 Baltimore City Code
5 Edition 2000

6 BY adding

7 Article 28 - Taxes
8 Section(s) 31-1 to 31-11, to be under the new subtitle,
9 “Subtitle 31. Checkout Bag Reduction”
10 Baltimore City Code
11 Edition 2000

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
13 City Code Article 15, Subtitle 16, is repealed, in its entirety.

14 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Laws of Baltimore City read as
15 follows:

16 **Baltimore City Code**

17 **Article 7. Natural Resources**

18 **Subtitle 62. PLASTIC BAG REDUCTION**

19 **§ 62-1. Definitions.**

20 (A) *IN GENERAL.*

21 IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

22 (B) *CHECKOUT BAG.*

23 (1) “CHECKOUT BAG” MEANS ANY PLASTIC BAG SUPPLIED BY A DEALER AT NO
24 ADDITIONAL COST TO A CUSTOMER AT THE POINT OF SALE, PICKUP, OR DELIVERY TO
25 CARRY PURCHASED ITEMS.

26 (2) “CHECKOUT BAG” DOES NOT INCLUDE A COMPOSTABLE PLASTIC BAG THAT:

27 (i) IS CERTIFIED AND LABELED AS MEETING THE ASTM D6400 STANDARD
28 SPECIFICATION BY A RECOGNIZED VERIFICATION ENTITY; AND

29 (ii) IS CAPABLE OF UNDERGOING BIOLOGICAL DECOMPOSITION IN A COMPOST SITE
30 SUCH THAT THE MATERIAL BREAKS DOWN INTO CARBON DIOXIDE, WATER,
31 INORGANIC COMPOUNDS, AND BIOMASS AT A RATE CONSISTENT WITH KNOWN
32 COMPOSTABLE MATERIALS.

Council Bill 19-0401

1 (C) *COMMISSIONER.*

2 "COMMISSIONER" MEANS THE COMMISSIONER OF HEALTH OR THE COMMISSIONER'S
3 DESIGNEE.

4 (D) *DEPARTMENT.*

5 "DEPARTMENT" MEANS THE BALTIMORE CITY DEPARTMENT OF HEALTH.

6 (E) *DEALER.*

7 (1) *"PERSON" DEFINED.*

8 IN THIS SUBSECTION, "PERSON" MEANS:

9 (I) AN INDIVIDUAL;

10 (II) A PARTNERSHIP, FIRM, ASSOCIATION, LIMITED LIABILITY COMPANY,
11 CORPORATION, OR OTHER ENTITY OF ANY KIND;

12 (III) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY,
13 OR REPRESENTATIVE OF ANY KIND; OR

14 (IV) A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A
15 GOVERNMENTAL ENTITY.

16 (2) *"DEALER" DEFINED.*

17 (I) *IN GENERAL.*

18 "DEALER" MEANS ANY PERSON ENGAGED IN THE RETAIL SALE OF GOODS.

19 (II) *INCLUSIONS.*

20 "DEALER" INCLUDES ANY:

21 (A) SUPERMARKET;

22 (B) CONVENIENCE STORE;

23 (C) RESTAURANT;

24 (D) SHOP;

25 (E) SERVICE STATION; OR

26 (F) OTHER SALES OUTLET.

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1 **§ 62-2. {RESERVED}**

2 **§ 62-3. PROHIBITED CONDUCT.**

3 EXCEPT AS PROVIDED IN § 62-4 {"EXEMPTION: BAGS FOR CERTAIN PRODUCTS"} AND § 62-5
4 {"EXEMPTION: VOUCHER OR ELECTRONIC BENEFITS TRANSFER PURCHASES"} OF THIS
5 SUBTITLE, NO DEALER MAY SUPPLY CUSTOMERS WITH CHECKOUT BAGS.

6 **§ 62-4. EXEMPTION: BAGS FOR CERTAIN PRODUCTS.**

7 THIS SUBTITLE DOES NOT APPLY TO A CHECKOUT BAG SOLELY USED TO CONTAIN:

- 8 (1) FRESH FISH AND FRESH FISH PRODUCTS;
- 9 (2) FRESH MEAT AND FRESH MEAT PRODUCTS;
- 10 (3) FRESH POULTRY AND FRESH POULTRY PRODUCTS;
- 11 (4) OTHERWISE UNPACKAGED FRUITS, NUTS, OR VEGETABLES;
- 12 (5) OTHERWISE UNPACKAGED CONFECTIONERY;
- 13 (6) OTHERWISE UNPACKAGED FRESH CHEESE;
- 14 (7) OTHERWISE UNPACKED BAKED GOODS;
- 15 (8) ICE;
- 16 (9) FOOD AND GOODS OBTAINED AT A FARMERS' MARKET;
- 17 (10) PRESCRIPTION DRUGS OBTAINED FROM A PHARMACY;
- 18 (11) NEWSPAPERS; OR
- 19 (12) DRY-CLEANED GOODS.

20 **§ 62-5. EXEMPTION: VOUCHER OR ELECTRONIC BENEFITS TRANSFER PURCHASES.**

21 THIS SUBTITLE DOES NOT APPLY TO A PURCHASE MADE BY A CUSTOMER USING A VOUCHER OR
22 ELECTRONIC BENEFITS TRANSFER CARD ISSUED UNDER THE FOOD SUPPLEMENT PROGRAM
23 (FSP), WOMEN, INFANTS, AND CHILDREN PROGRAM (WIC), OR THE SUPPLEMENTAL
24 NUTRITION ASSISTANCE PROGRAM (SNAP).

25 **§ 62-6. {RESERVED}**

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1 **§ 62-7. RULES AND REGULATIONS.**

2 (A) *IN GENERAL.*

3 THE COMMISSIONER MUST ADOPT RULES AND REGULATIONS TO CARRY OUT THIS
4 SUBTITLE.

5 (B) *FILING WITH LEGISLATIVE REFERENCE.*

6 A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED
7 WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

8 **§ 62-8. ANNUAL REPORT.**

9 (A) *IN GENERAL.*

10 ON OR BEFORE JUNE 30 OF EACH YEAR, THE COMMISSIONER MUST PREPARE AND SUBMIT
11 TO THE MAYOR AND THE CITY COUNCIL AN ANNUAL REPORT DETAILING COMPLIANCE
12 WITH THIS SUBTITLE.

13 (B) *CONTENTS.*

14 THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION FOR THE PREVIOUS
15 CALENDAR YEAR:

16 (1) THE NUMBER OF INSPECTIONS CONDUCTED OF BUSINESSES REGULATED UNDER THIS
17 SUBTITLE; AND

18 (2) THE NUMBER OF CITATIONS ISSUED UNDER THIS SUBTITLE.

19 **§ 62-9. {RESERVED}**

20 **§ 62-10. ENFORCEMENT BY CITATION.**

21 (A) *IN GENERAL.*

22 IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE,
23 THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF AN ENVIRONMENTAL CITATION AS
24 AUTHORIZED BY CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL
25 BOARD"}.

26 (B) *PROCESS NOT EXCLUSIVE.*

27 THE ISSUANCE OF AN ENVIRONMENTAL CITATION DOES NOT PRECLUDE PURSUING ANY
28 OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

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§ 62-11. CRIMINAL PENALTIES.

(A) IN GENERAL.

ANY DEALER WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 FOR EACH OFFENSE.

(B) EACH BAG A SEPARATE OFFENSE.

EACH PLASTIC BAG SUPPLIED TO A CUSTOMER IN VIOLATION OF THIS SUBTITLE IS A SEPARATE OFFENSE.

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-14. Violations to which subtitle applies.

(e) Provisions and penalties enumerated.

(.5a) Article 7. Natural Resources

Division I. Floodplain Management	\$500
DIVISION VI. MISCELLANEOUS	
SUBTITLE 62. PLASTIC BAG REDUCTION	
1ST OFFENSE	\$250
2ND OFFENSE IN SAME 6-MONTH PERIOD	\$500
3RD OR SUBSEQUENT OFFENSE IN SAME 6-MONTH PERIOD	\$1,000

(2) Article 15. Licensing and Regulation

[Subtitle 16. Plastic Bag Reduction	
1st offense	\$250
2nd offense in same 6-month period	\$500
3rd or subsequent offense in same 6-month period	\$1,000]

Article 28. Taxes

Subtitle 31. CHECKOUT BAG SURCHARGE

§ 31-1. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

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1 (B) *DEALER*.

2 "DEALER" HAS THE MEANING STATED IN CITY CODE ARTICLE 7, § 62-1(E) {"DEFINITIONS:
3 DEALER"}.

4 (C) *DIRECTOR*.

5 "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF FINANCE OR THE
6 DIRECTOR'S DESIGNEE.

7 (D) *CHECKOUT BAG*.

8 (1) *IN GENERAL*.

9 "CHECKOUT BAG" MEANS ANY PAPER OR PLASTIC SUPPLIED BY A DEALER TO A
10 CUSTOMER AT THE POINT OF SALE, PICKUP, OR DELIVERY TO CARRY PURCHASED ITEMS.

11 (2) *INCLUSIONS*.

12 "CHECKOUT BAG" INCLUDES A COMPOSTABLE PLASTIC BAG THAT MEETS THE
13 STANDARDS DESCRIBED IN CITY CODE ARTICLE 7, § 62-1(B)(2) {"DEFINITIONS:
14 CHECKOUT BAG"}.

15 (3) *EXCLUSIONS*.

16 "CHECKOUT BAG" DOES NOT INCLUDE A BAG SOLELY USED TO CONTAIN:

- 17 (I) FRESH FISH AND FRESH FISH PRODUCTS;
- 18 (II) FRESH MEAT AND FRESH MEAT PRODUCTS;
- 19 (III) FRESH POULTRY AND FRESH POULTRY PRODUCTS;
- 20 (IV) OTHERWISE UNPACKAGED FRUITS, NUTS, OR VEGETABLES;
- 21 (V) OTHERWISE UNPACKAGED CONFECTIONERY;
- 22 (VI) OTHERWISE UNPACKAGED FRESH CHEESE;
- 23 (VII) ICE;
- 24 (VIII) FOOD AND GOODS OBTAINED AT A FARMERS' MARKET;
- 25 (IX) PRESCRIPTION DRUGS OBTAINED FROM A PHARMACY;

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1 (X) NEWSPAPERS; OR

2 (XI) DRY-CLEANED GOODS.

3 (E) *PERSON*.

4 "PERSON" MEANS:

5 (1) AN INDIVIDUAL;

6 (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY
7 KIND; OR

8 (3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR
9 REPRESENTATIVE OF ANY KIND.

10 § 31-2. *{RESERVED}*

11 § 31-3. **SURCHARGE IMPOSED.**

12 (A) *IN GENERAL*.

13 A SURCHARGE IS IMPOSED ON EVERY CHECKOUT BAG SUPPLIED BY A DEALER TO A
14 CUSTOMER.

15 (B) *AMOUNT OF SURCHARGE*.

16 THE AMOUNT OF THE SURCHARGE IS 5 CENTS FOR EACH BAG.

17 (C) *NO EFFECT ON DEALER'S OWN IMPOSITION*.

18 NOTHING IN THIS SECTION LIMITS THE ABILITY OF A DEALER TO IMPOSE A SEPARATE
19 PURCHASE OR SERVICE FEE FOR A CHECKOUT BAG PROVIDED TO A CUSTOMER.

20 § 31-4. **COLLECTION AND REMITTANCE.**

21 (A) *DEALER TO COLLECT*.

22 (1) THE DEALER MUST COLLECT THE SURCHARGE IMPOSED BY THIS SUBTITLE FROM THE
23 CUSTOMER TO WHOM THE CHECKOUT BAG IS SUPPLIED.

24 (2) THE AMOUNT OF THE SURCHARGE MUST BE ITEMIZED ON ANY RECEIPT, INVOICE, OR
25 LIKE DOCUMENT ISSUED TO THE CUSTOMER.

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1 (B) *REMITTANCE TO DIRECTOR.*

2 (1) EXCEPT AS SPECIFICALLY AUTHORIZED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
3 SURCHARGE IMPOSED BY THIS SUBTITLE MUST BE REMITTED TO THE DIRECTOR ON OR
4 BEFORE THE 25TH DAY OF THE MONTH FOLLOWING THE MONTH IN WHICH THE
5 TRANSACTION OCCURRED.

6 (2) TO COVER THE ADMINISTRATIVE EXPENSE OF COLLECTING AND REMITTING THE
7 SURCHARGE TO THE DIRECTOR, THE DEALER MAY RETAIN 1 CENT FROM EACH 5 CENT
8 SURCHARGE COLLECTED UNDER THIS SUBTITLE.

9 (C) *REMITTANCE REPORTS.*

10 (1) EACH REMITTANCE MUST BE ACCOMPANIED BY A REPORT FOR THE MONTH OF ALL
11 TRANSACTIONS THAT INVOLVED CHECKOUT BAGS SUBJECT TO THE SURCHARGE.

12 (2) THE REPORT MUST:

13 (I) BE IN THE FORM AND CONTAIN THE INFORMATION THAT THE DIRECTOR
14 REQUIRES; AND

15 (II) INCLUDE:

16 (A) THE NUMBER OF CHECKOUT BAGS SUPPLIED OR PROVIDED TO
17 CUSTOMERS;

18 (B) THE AGGREGATE AMOUNT OF THE SURCHARGE REQUIRED BY THIS
19 SUBTITLE TO BE COLLECTED; AND

20 (C) ANY OTHER INFORMATION THAT THE DIRECTOR REQUIRES TO ASSURE
21 THAT THE PROPER SURCHARGE HAS BEEN REMITTED.

22 **§ 31-5. SURCHARGE DETERMINATION BY THE DIRECTOR.**

23 (A) *DIRECTOR TO OBTAIN INFORMATION.*

24 IF ANY PERSON FAILS TO REMIT THE SURCHARGE AND MAKE THE REPORTS WHEN DUE OR
25 FAILS TO KEEP SUITABLE RECORDS AS REQUIRED UNDER THIS SUBTITLE, THE DIRECTOR
26 MAY ATTEMPT TO OBTAIN OTHER AVAILABLE INFORMATION ON WHICH TO BASE AN
27 ESTIMATE OF THE SURCHARGE DUE.

28 (B) *DIRECTOR TO ESTIMATE SURCHARGE.*

29 AS SOON AS THE DIRECTOR OBTAINS THIS INFORMATION, THE DIRECTOR MAY PROCEED TO
30 DETERMINE THE SURCHARGE DUE AND ASSESS THAT SURCHARGE, PLUS INTEREST AND
31 PENALTIES, AGAINST THE PERSON LIABLE FOR THE SURCHARGE.

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1 (C) *NOTICE AND PAYMENT.*

2 (1) THE DIRECTOR MAY THEN NOTIFY THE PERSON BY MAIL, SENT TO THAT PERSON'S LAST
3 KNOWN ADDRESS, OF THE TOTAL AMOUNT OF THE SURCHARGE, INTEREST, AND
4 PENALTIES.

5 (2) THE TOTAL AMOUNT IS PAYABLE WITHIN 10 DAYS FROM THE DATE OF THIS NOTICE.

6 **§ 31-6. INTEREST AND CIVIL PENALTIES.**

7 IF A DEALER FAILS TO REMIT THE SURCHARGE IMPOSED BY THIS SUBTITLE WHEN DUE, THE
8 DEALER MUST PAY THE DIRECTOR, IN ADDITION TO THE SURCHARGE DUE:

9 (1) INTEREST AT THE RATE OF 1% FOR EACH MONTH OR FRACTION OF A MONTH THAT THE
10 SURCHARGE IS OVERDUE; AND

11 (2) A PENALTY OF 10% OF THE AMOUNT OF THE SURCHARGE DUE.

12 **§ 31-7. {RESERVED}**

13 **§ 31-8. RULES AND REGULATIONS.**

14 (A) *IN GENERAL.*

15 THE DIRECTOR MUST ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SUBTITLE.

16 (B) *FILING WITH LEGISLATIVE REFERENCE.*

17 A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED
18 WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

19 **§ 31-9. {RESERVED}**

20 **§ 31-10. PROHIBITED CONDUCT.**

21 A DEALER MAY NOT:

22 (1) FAIL, NEGLECT, OR REFUSE TO COLLECT OR REMIT THE SURCHARGE IMPOSED BY THIS
23 SUBTITLE;

24 (2) MAKE ANY INCOMPLETE, FALSE, OR FRAUDULENT RETURN;

25 (3) FAIL TO KEEP COMPLETE AND ACCURATE RECORDS;

26 (4) REFUSE TO PERMIT THE FINANCE DIRECTOR OR THE DIRECTOR'S AUTHORIZED AGENT,
27 EMPLOYEE, OR REPRESENTATIVE TO INSPECT AND AUDIT THE OPERATOR'S RECORDS;
28 OR

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1 (5) FAIL TO FULLY COMPLY WITH ANY PROVISION OF THIS SUBTITLE OR OF ANY RULE OR
2 REGULATION ADOPTED UNDER THIS SUBTITLE.

3 **§ 31-11. CRIMINAL PENALTIES.**

4 ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR OF A RULE OR REGULATION
5 ADOPTED UNDER THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS
6 SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR TO IMPRISONMENT FOR NOT MORE THAN 6
7 MONTHS OR TO BOTH FINE AND IMPRISONMENT FOR EACH OFFENSE.

8 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
9 are not law and may not be considered to have been enacted as a part of this or any prior
10 Ordinance.

11 **SECTION 4. AND BE IT FURTHER ORDAINED,** That the Baltimore City Department of Health
12 in conjunction with the Baltimore City Office of Sustainability shall engage in an outreach and
13 education campaign to all affected dealers and their customers informing them of the
14 prohibitions, exemptions, and penalties set forth in Section 2 of this Ordinance. This campaign
15 may include providing signs for point of sale stations and storefronts, media buys and
16 placements, and public service announcements.

17 **SECTION 5. AND BE IT FURTHER ORDAINED,** That Section 4 of this Ordinance takes effect on
18 the date of this Ordinance's enactment.

19 **SECTION 6. AND BE IT FURTHER ORDAINED,** That, except as provided in Section 5 of this
20 Ordinance, this Ordinance takes effect 1 year after the date it is enacted.

INTRODUCTORY*

**CITY OF BALTIMORE
COUNCIL BILL ____**

Introduced by: Councilmember Henry

A BILL ENTITLED

AN ORDINANCE concerning

Comprehensive Bag Reduction

FOR the purpose of repealing the Plastic Bag Reduction Program; prohibiting certain dealers from supplying customers with plastic bags for use as checkout bags; authorizing certain exemptions; defining certain terms; imposing certain civil and criminal penalties; imposing a surcharge on checkout bags supplied by dealers to certain customers; and providing for special effective dates.

BY repealing

Article 15. Licensing and Regulation
Subtitle 16. Plastic Bag Reduction
Baltimore City Code
(Edition 2000)

BY adding

Article 7. Natural Resources
Section(s) 62-1 to 62-11, to be under the new subtitle,
"Subtitle 62. Plastic Bag Reduction"
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 1. Mayor, City Council, and Municipal Agencies
Section 40-14(e)(.5a)
Baltimore City Code
(Edition 2000)

Explanation: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* Warning: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THIS BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

BY repealing

Article 1. Mayor, City Council, and Municipal Agencies
Section 40-14(e)(2) (“Subtitle 16. Plastic Bag Reduction”)
Baltimore City Code
(Edition 2000)

BY adding

Article 28. Taxes
Section(s) 31-1 to 31-11, to be under the new subtitle,
“Subtitle 31. Checkout Bag Surcharge”
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That City Code Article 15, Subtitle 16, is repealed, in its entirety.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 7. Natural Resources

Subtitle 62. PLASTIC BAG REDUCTION

§ 62-1. Definitions.

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) *CHECKOUT BAG.*

- (1) “CHECKOUT BAG” MEANS ANY PLASTIC BAG SUPPLIED BY A DEALER AT NO ADDITIONAL COST TO A CUSTOMER AT THE POINT OF SALE, PICKUP, OR DELIVERY TO CARRY PURCHASED ITEMS.
- (2) “CHECKOUT BAG” DOES NOT INCLUDE A COMPOSTABLE PLASTIC BAG THAT:
 - (i) IS CERTIFIED AND LABELED AS MEETING THE ASTM D6400 STANDARD SPECIFICATION BY A RECOGNIZED VERIFICATION ENTITY; AND
 - (ii) IS CAPABLE OF UNDERGOING BIOLOGICAL DECOMPOSITION IN A COMPOST SITE SUCH THAT THE MATERIAL BREAKS DOWN INTO CARBON DIOXIDE, WATER, INORGANIC COMPOUNDS, AND BIOMASS AT A RATE CONSISTENT WITH KNOWN COMPOSTABLE MATERIALS.

(C) *COMMISSIONER.*

“COMMISSIONER” MEANS THE COMMISSIONER OF HEALTH OR THE COMMISSIONER’S DESIGNEE.

(D) *DEPARTMENT.*

“DEPARTMENT” MEANS THE BALTIMORE CITY DEPARTMENT OF HEALTH.

(E) *DEALER.*

(1) *“PERSON” DEFINED.*

IN THIS SUBSECTION, “PERSON” MEANS:

- (I) AN INDIVIDUAL;
- (II) A PARTNERSHIP, FIRM, ASSOCIATION, LIMITED LIABILITY COMPANY, CORPORATION, OR OTHER ENTITY OF ANY KIND;
- (III) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND; OR
- (IV) A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.

(2) *“DEALER” DEFINED.*

(I) *IN GENERAL.*

“DEALER” MEANS ANY PERSON ENGAGED IN THE RETAIL SALE OF GOODS.

(II) *INCLUSIONS.*

“DEALER” INCLUDES ANY:

- (A) SUPERMARKET;
- (B) CONVENIENCE STORE;
- (C) RESTAURANT;
- (D) SHOP;
- (E) SERVICE STATION; OR
- (F) OTHER SALES OUTLET.

§ 62-2. *{RESERVED}*

§ 62-3. PROHIBITED CONDUCT.

EXCEPT AS PROVIDED IN § 62-4 {"EXEMPTION: BAGS FOR CERTAIN PRODUCTS"} AND § 62-5 {"EXEMPTION: VOUCHER OR ELECTRONIC BENEFITS TRANSFER PURCHASES"} OF THIS SUBTITLE, NO DEALER MAY SUPPLY CUSTOMERS WITH CHECKOUT BAGS.

§ 62-4. EXEMPTION: BAGS FOR CERTAIN PRODUCTS.

THIS SUBTITLE DOES NOT APPLY TO A CHECKOUT BAG SOLELY USED TO CONTAIN:

- (1) FRESH FISH AND FRESH FISH PRODUCTS;
- (2) FRESH MEAT AND FRESH MEAT PRODUCTS;
- (3) FRESH POULTRY AND FRESH POULTRY PRODUCTS;
- (4) OTHERWISE UNPACKAGED FRUITS, NUTS, OR VEGETABLES;
- (5) OTHERWISE UNPACKAGED CONFECTIONERY;
- (6) OTHERWISE UNPACKAGED FRESH CHEESE;
- (7) OTHERWISE UNPACKED BAKED GOODS;
- (8) ICE;
- (9) FOOD AND GOODS OBTAINED AT A FARMERS' MARKET;
- (10) PRESCRIPTION DRUGS OBTAINED FROM A PHARMACY;
- (11) NEWSPAPERS; OR
- (12) DRY-CLEANED GOODS.

§ 62-5. EXEMPTION: VOUCHER OR ELECTRONIC BENEFITS TRANSFER PURCHASES.

THIS SUBTITLE DOES NOT APPLY TO A PURCHASE MADE BY A CUSTOMER USING A VOUCHER OR ELECTRONIC BENEFITS TRANSFER CARD ISSUED UNDER THE FOOD SUPPLEMENT PROGRAM (FSP), WOMEN, INFANTS, AND CHILDREN PROGRAM (WIC), OR THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP).

§ 62-6. {RESERVED}

§ 62-7. RULES AND REGULATIONS.

(A) *IN GENERAL.*

THE COMMISSIONER MUST ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SUBTITLE.

(B) *FILING WITH LEGISLATIVE REFERENCE.*

A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

§ 62-8. ANNUAL REPORT.

(A) *IN GENERAL.*

ON OR BEFORE JUNE 30 OF EACH YEAR, THE COMMISSIONER MUST PREPARE AND SUBMIT TO THE MAYOR AND THE CITY COUNCIL AN ANNUAL REPORT DETAILING COMPLIANCE WITH THIS SUBTITLE.

(B) *CONTENTS.*

THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION FOR THE PREVIOUS CALENDAR YEAR:

(1) THE NUMBER OF INSPECTIONS CONDUCTED OF BUSINESSES REGULATED UNDER THIS SUBTITLE; AND

(2) THE NUMBER OF CITATIONS ISSUED UNDER THIS SUBTITLE.

§ 62-9. {RESERVED}

§ 62-10. ENFORCEMENT BY CITATION.

(A) *IN GENERAL.*

IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF AN ENVIRONMENTAL CITATION AS AUTHORIZED BY CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"}.

(B) *PROCESS NOT EXCLUSIVE.*

THE ISSUANCE OF AN ENVIRONMENTAL CITATION DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

§ 62-11. CRIMINAL PENALTIES.

(A) *IN GENERAL.*

ANY DEALER WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 FOR EACH OFFENSE.

(B) *EACH BAG A SEPARATE OFFENSE.*

EACH PLASTIC BAG SUPPLIED TO A CUSTOMER IN VIOLATION OF THIS SUBTITLE IS A SEPARATE OFFENSE.

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-14. Violations to which subtitle applies.

(e) *Provisions and penalties enumerated.*

(.5a) *Article 7. Natural Resources*

Division I. Floodplain Management	\$500
DIVISION VI. MISCELLANEOUS	
SUBTITLE 62. PLASTIC BAG REDUCTION	
1ST OFFENSE	\$250
2ND OFFENSE IN SAME 6-MONTH PERIOD	\$500
3RD OR SUBSEQUENT OFFENSE IN SAME 6-MONTH PERIOD	\$1,000

(2) *Article 15. Licensing and Regulation*

[Subtitle 16. Plastic Bag Reduction	
1st offense	\$250
2nd offense in same 6-month period	\$500
3rd or subsequent offense in same 6-month period	\$1,000]

Article 28. Taxes

Subtitle 31. CHECKOUT BAG SURCHARGE

§ 31-1. DEFINITIONS.

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) *DEALER.*

“DEALER” HAS THE MEANING STATED IN CITY CODE ARTICLE 7, § 62-1(E) {“DEFINITIONS: DEALER”}.

(C) *DIRECTOR.*

“DIRECTOR” MEANS THE DIRECTOR OF THE DEPARTMENT OF FINANCE OR THE DIRECTOR’S DESIGNEE.

(D) *CHECKOUT BAG.*

(1) *IN GENERAL.*

“CHECKOUT BAG” MEANS ANY PAPER OR PLASTIC SUPPLIED BY A DEALER TO A CUSTOMER AT THE POINT OF SALE, PICKUP, OR DELIVERY TO CARRY PURCHASED ITEMS.

(2) *INCLUSIONS.*

“CHECKOUT BAG” INCLUDES A COMPOSTABLE PLASTIC BAG THAT MEETS THE STANDARDS DESCRIBED IN CITY CODE ARTICLE 7, § 62-1(B)(2) {“DEFINITIONS: CHECKOUT BAG”}.

(3) *EXCLUSIONS.*

“CHECKOUT BAG” DOES NOT INCLUDE A BAG SOLELY USED TO CONTAIN:

- (I) FRESH FISH AND FRESH FISH PRODUCTS;
- (II) FRESH MEAT AND FRESH MEAT PRODUCTS;
- (III) FRESH POULTRY AND FRESH POULTRY PRODUCTS;
- (IV) OTHERWISE UNPACKAGED FRUITS, NUTS, OR VEGETABLES;
- (V) OTHERWISE UNPACKAGED CONFECTIONERY;
- (VI) OTHERWISE UNPACKAGED FRESH CHEESE;
- (VII) ICE;
- (VIII) FOOD AND GOODS OBTAINED AT A FARMERS’ MARKET;
- (IX) PRESCRIPTION DRUGS OBTAINED FROM A PHARMACY;
- (X) NEWSPAPERS; OR
- (XI) DRY-CLEANED GOODS.

(E) *PERSON.*

“PERSON” MEANS:

- (1) AN INDIVIDUAL;
- (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY KIND;
OR
- (3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR

REPRESENTATIVE OF ANY KIND.

§ 31-2. {RESERVED}

§ 31-3. SURCHARGE IMPOSED.

(A) *IN GENERAL.*

A SURCHARGE IS IMPOSED ON EVERY CHECKOUT BAG SUPPLIED BY A DEALER TO A CUSTOMER.

(B) *AMOUNT OF SURCHARGE.*

THE AMOUNT OF THE SURCHARGE IS 5 CENTS FOR EACH BAG.

(C) *NO EFFECT ON DEALER'S OWN IMPOSITION.*

NOTHING IN THIS SECTION LIMITS THE ABILITY OF A DEALER TO IMPOSE A SEPARATE PURCHASE OR SERVICE FEE FOR A CHECKOUT BAG PROVIDED TO A CUSTOMER.

§ 31-4. COLLECTION AND REMITTANCE.

(A) *DEALER TO COLLECT.*

(1) THE DEALER MUST COLLECT THE SURCHARGE IMPOSED BY THIS SUBTITLE FROM THE CUSTOMER TO WHOM THE CHECKOUT BAG IS SUPPLIED.

(2) THE AMOUNT OF THE SURCHARGE MUST BE ITEMIZED ON ANY RECEIPT, INVOICE, OR LIKE DOCUMENT ISSUED TO THE CUSTOMER.

(B) *REMITTANCE TO DIRECTOR.*

(1) EXCEPT AS SPECIFICALLY AUTHORIZED IN PARAGRAPHS (2) OF THIS SUBSECTION, THE SURCHARGE IMPOSED BY THIS SUBTITLE MUST BE REMITTED TO THE DIRECTOR ON OR BEFORE THE 25TH DAY OF THE MONTH FOLLOWING THE MONTH IN WHICH THE TRANSACTION OCCURRED.

(2) TO COVER THE ADMINISTRATIVE EXPENSE OF COLLECTING AND REMITTING THE SURCHARGE TO THE DIRECTOR, THE DEALER MAY RETAIN 1 CENT FROM EACH 5 CENT SURCHARGE COLLECTED UNDER THIS SUBTITLE.

(C) *REMITTANCE REPORTS.*

(1) EACH REMITTANCE MUST BE ACCOMPANIED BY A REPORT FOR THE MONTH OF ALL TRANSACTIONS THAT INVOLVED CHECKOUT BAGS SUBJECT TO THE SURCHARGE.

(2) THE REPORT MUST:

(i) BE IN THE FORM AND CONTAIN THE INFORMATION THAT THE DIRECTOR

REQUIRES; AND

(II) INCLUDE:

- (A) THE NUMBER OF CHECKOUT BAGS SUPPLIED OR PROVIDED TO CUSTOMERS;
- (B) THE AGGREGATE AMOUNT OF THE SURCHARGE REQUIRED BY THIS SUBTITLE TO BE COLLECTED; AND
- (C) ANY OTHER INFORMATION THAT THE DIRECTOR REQUIRES TO ASSURE THAT THE PROPER SURCHARGE HAS BEEN REMITTED.

§ 31-5. SURCHARGE DETERMINATION BY THE DIRECTOR.

(A) *DIRECTOR TO OBTAIN INFORMATION.*

IF ANY PERSON FAILS TO REMIT THE SURCHARGE AND MAKE THE REPORTS WHEN DUE OR FAILS TO KEEP SUITABLE RECORDS AS REQUIRED UNDER THIS SUBTITLE, THE DIRECTOR MAY ATTEMPT TO OBTAIN OTHER AVAILABLE INFORMATION ON WHICH TO BASE AN ESTIMATE OF THE SURCHARGE DUE.

(B) *DIRECTOR TO ESTIMATE SURCHARGE.*

AS SOON AS THE DIRECTOR OBTAINS THIS INFORMATION, THE DIRECTOR MAY PROCEED TO DETERMINE THE SURCHARGE DUE AND ASSESS THAT SURCHARGE, PLUS INTEREST AND PENALTIES, AGAINST THE PERSON LIABLE FOR THE SURCHARGE.

(C) *NOTICE AND PAYMENT.*

(1) THE DIRECTOR MAY THEN NOTIFY THE PERSON BY MAIL, SENT TO THAT PERSON'S LAST KNOWN ADDRESS, OF THE TOTAL AMOUNT OF THE SURCHARGE, INTEREST, AND PENALTIES.

(2) THE TOTAL AMOUNT IS PAYABLE WITHIN 10 DAYS FROM THE DATE OF THIS NOTICE.

§ 31-6. INTEREST AND CIVIL PENALTIES.

IF A DEALER FAILS TO REMIT THE SURCHARGE IMPOSED BY THIS SUBTITLE WHEN DUE, THE DEALER MUST PAY THE DIRECTOR, IN ADDITION TO THE SURCHARGE DUE:

(1) INTEREST AT THE RATE OF 1% FOR EACH MONTH OR FRACTION OF A MONTH THAT THE SURCHARGE IS OVERDUE; AND

(2) A PENALTY OF 10% OF THE AMOUNT OF THE SURCHARGE DUE.

§ 31-7. {RESERVED}

§ 31-8. RULES AND REGULATIONS.

(A) *IN GENERAL.*

THE DIRECTOR MUST ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SUBTITLE.

(B) *FILING WITH LEGISLATIVE REFERENCE.*

A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

§ 31-9. {RESERVED}

§ 31-10. PROHIBITED CONDUCT.

A DEALER MAY NOT:

- (1) FAIL, NEGLECT, OR REFUSE TO COLLECT OR REMIT THE SURCHARGE IMPOSED BY THIS SUBTITLE;
- (2) MAKE ANY INCOMPLETE, FALSE, OR FRAUDULENT RETURN;
- (3) FAIL TO KEEP COMPLETE AND ACCURATE RECORDS;
- (4) REFUSE TO PERMIT THE FINANCE DIRECTOR OR THE DIRECTOR'S AUTHORIZED AGENT, EMPLOYEE, OR REPRESENTATIVE TO INSPECT AND AUDIT THE OPERATOR'S RECORDS; OR
- (5) FAIL TO FULLY COMPLY WITH ANY PROVISION OF THIS SUBTITLE OR OF ANY RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE.

§ 31-11. CRIMINAL PENALTIES.

ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR OF A RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR TO IMPRISONMENT FOR NOT MORE THAN 6 MONTHS OR TO BOTH FINE AND IMPRISONMENT FOR EACH OFFENSE.

SECTION 3. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 4. AND BE IT FURTHER ORDAINED, That the Baltimore City Department of Health in conjunction with the Baltimore City Office of Sustainability shall engage in an outreach and education campaign to all affected dealers and their customers informing them of the prohibitions, exemptions, and penalties set forth in Section 2 of this Ordinance. This campaign may include providing signs for point of sale stations and storefronts, media buys and placements, and public service announcements.

SECTION 5. AND BE IT FURTHER ORDAINED, That Section 4 of this Ordinance takes effect on the date of this Ordinance's enactment.

SECTION 6. AND BE IT FURTHER ORDAINED, That, except as provided in Section 5 of this Ordinance, this Ordinance takes effect 1 year after the date it is enacted.



ACTION BY THE CITY COUNCIL

JUN 17 2019

FIRST READING (INTRODUCTION) _____

PUBLIC HEARING HELD ON Aug. 6, 2019. Work Sessions on Aug. 28, 2019, Sept. 23, 2019, Oct. 7, 2019, and Oct. 28, 2019. 20

COMMITTEE REPORT AS OF Nov. 4, 2019 20

_____ FAVORABLE _____ UNFAVORABLE FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

[Handwritten Signature]

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

NOV 04 2019

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ **NOV 18 2019**

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20

WITHDRAWAL _____ 20

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk

