



Legislation Details (With Text)

**File #:** 17-0117      **Version:** 0      **Name:** Food Service Facilities - Polystyrene Foam Products

**Type:** Ordinance      **Status:** Enacted

**File created:** 9/11/2017      **In control:** City Council

**On agenda:**      **Final action:** 4/19/2018

**Enactment date:**      **Enactment #:** 18-125

**Title:** Food Service Facilities - Polystyrene Foam Products  
For the purpose of prohibiting food service facilities from using disposable food service ware made from polystyrene foam; defining certain terms; imposing certain penalties; providing for a special effective date; and generally relating to the use of polystyrene foam products for food service purposes.

**Sponsors:** John T. Bullock, Ryan Dorsey, Kristerfer Burnett, Bill Henry, Zeke Cohen, Shannon Sneed, Mary Pat Clarke

**Indexes:** Facilities, Food Service, Polystyrene

**Code sections:**

**Attachments:** 1. 17-0117~1st Reader, 2. Finance 17-0117, 3. Law 17-0117, 4. BDC 17 0117, 5. BCPSS 17-0117, 6. Sustainability 17-0117, 7. BOPA 17-0117, 8. Health 17-0117, 9. Environmental Control Bd. 17-0117, 10. 2nd Reader Amendment 17-0117, 11. 17-0117~3rd Reader, 12. Complete File 17-0117

Date	Ver.	Action By	Action	Result
4/23/2018	0	Mayor	Signed by Mayor	
3/12/2018	0	City Council	Approved and Sent to the Mayor	
2/26/2018	0	City Council	3rd Reader, for final passage	
2/26/2018	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	
2/13/2018	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	Pass
2/7/2018	0	Judiciary and Legislative Investigations	Worksession	
2/6/2018	0	Judiciary and Legislative Investigations	Conducted Public Hearing	
1/8/2018	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
9/14/2017	0	The City Council	Refer to Dept. of Finance	
9/14/2017	0	The City Council	Refer to Office of Sustainability	
9/14/2017	0	The City Council	Refer to Baltimore Development Corporation	
9/14/2017	0	Baltimore City Council	Refer to City Solicitor	
9/14/2017	0	The City Council	Refer to Dept. of Health	
9/14/2017	0	The City Council	Refer to Environmental Control Board	
9/14/2017	0	The City Council	Refer to Baltimore Office of Promotion and the Arts	
9/14/2017	0	The City Council	Refer to Baltimore City Public School System	

9/11/2017	0	City Council	Assigned
9/11/2017	0	City Council	Introduced

**Explanation:** Capitals indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

\* **Warning:** This is an unofficial, introductory copy of the bill.  
The official copy considered by the City Council is the first reader copy.

**Introductory\***  
**City of Baltimore**  
**Council Bill**

Introduced by: Councilmember Bullock

A Bill Entitled

An Ordinance concerning

**Food Service Facilities - Polystyrene Foam Products**

For the purpose of prohibiting food service facilities from using disposable food service ware made from polystyrene foam; defining certain terms; imposing certain penalties; providing for a special effective date; and generally relating to the use of polystyrene foam products for food service purposes.

By adding

Article - Health  
Section 6-508  
Baltimore City Revised Code  
(Edition 2000)

By repealing and reordaining, without amendments

Article - Health  
Sections 6-801 and 6-802  
Baltimore City Revised Code  
(Edition 2000)

By repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies  
Section 40-14(e)(7)(Title 6)  
Baltimore City Code  
(Edition 2000)

**Section 1. Be it ordained by the Mayor and City Council of Baltimore,** That the Laws of Baltimore City read as follows:

**Baltimore City Revised Code**

**Article - Health**

**Title 6. Food Service Facilities**

***Subtitle 5. Miscellaneous Regulations***

**§ 6-508. Polystyrene foam products.**

(a) *Definitions.*

(1) *In general.*

In this section, the following terms have the meanings indicated.

(2) *Disposable food service ware.*

(i) *In general.*

“Disposable food service ware” means cups, plates, dishes, bowls, trays, clamshell containers, take-away containers, or similar items used for serving food or for transporting small amounts of prepared food.

(ii) *Exclusion.*

“Disposable food service ware” does not include coolers.

(3) *Polystyrene foam.*

“Polystyrene foam” means blown polystyrene and expanded and extruded foams (sometimes called Styrofoam™) that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques, including fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene).

(b) *Prohibited use.*

No food service facility may use any disposable food service ware that is made from polystyrene foam.

### ***Subtitle 8. Penalties***

#### **§ 6-801. Enforcement by citation.**

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this title 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 to enforce this title does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

#### **§ 6-802. Penalties.**

(a) *In general.*

Any person who violates any provision of this title or of a rule or regulation adopted under this title is guilty of a misdemeanor and, on conviction, is subject to the penalties specified in this section.

(b) *Basic penalty: \$1,000.*

Except as specified in subsection (c) of this section, the penalty for a violation is a fine of not more than \$1,000 for each offense.

(c) *Operating without or in violation of license: \$1,000 and 12 months.*

(1) For operating a food service facility without a license or in violation of the terms of a license, the penalty is a fine of not more than \$1,000 or imprisonment for not more than 12 months or both fine and imprisonment for each offense.

(2) Each day that a violation continues is a separate offense.

## Baltimore City Code

### 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.*

#### (7) *Health Code*

Title 6: Food Service Facilities

Subtitle 2: License Required

§ 6-201. In general

\$300

Subtitle 5: Miscellaneous Regulations

§ 6-506. Litter and rubbish prohibited

\$200

§ 6-508. Polystyrene foam products

\$200

All other provisions

\$100

**Section 2. 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 3. And be it further ordained,** That this Ordinance takes effect on the 90<sup>th</sup> day after the date it is enacted.