

**CORRECTED BILL**

*Clerk’s Note: Section numbers have been corrected at Lines 4 and 46 of the Bill.*

Bill No. 32-20  
Concerning: Solid Waste (Trash) – Waste Reduction/Source Reduction and Single-Use Straws - Requirements  
Revised: 11/09/2020 Draft No. 3  
Introduced: July 21, 2020  
Enacted: December 8, 2020  
Executive: December 21, 2020  
Effective: Section 1 effective December 21, 2021; Section 3 effective March 22, 2021  
Sunset Date: None  
Ch. 39, Laws of Mont. Co. 2020

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: Council President at the Request of the County Executive

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**AN ACT** to:

- (1) ~~[[establish a program for waste reduction/source reduction in Montgomery County;~~
- (2) ~~provide criteria for waste reduction/source reduction initiatives and programs;~~
- (3) ~~set forth the method by which the program is established;~~
- (4)]] prohibit the distribution of single-use straws except in certain circumstances; and
- ~~[[5)]] (2) provide for education relating to straws.~~

By adding

Montgomery County Code  
Chapter 48, Solid Waste (Trash)  
Article VII, Waste Reduction/Source Reduction  
Sections 48-59~~[[,]]~~ and 48-60~~[[, 48-61, and 48-62]]~~

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<del>[Single boldface brackets]</del>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<del>[[Double boldface brackets]]</del>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Article VII (Sections 48-59[[,]] and 48-60[[, 48-61, and 48-62]]) of**  
2 **Chapter 48 is added as follows:**

3           **ARTICLE VII. WASTE REDUCTION/SOURCE REDUCTION**

4 **[[48-59.]] 48-63. Definition.**

5           In this Article[[.]]:

6           [[food service]] *Food service* business means a full-service restaurant,  
7           limited-service restaurant, fast food restaurant, café, delicatessen, coffee  
8           shop, supermarket, grocery store, vending truck or cart, food truck,  
9           business or institutional cafeteria, including those operated by or on  
10           behalf of County departments and agencies, and other business selling or  
11           providing food within the County for consumption on or off the premises.

12           *Home compostable* means a material that has the ability to completely  
13           biodegrade in an outdoor, non-industrial environment, leaving no toxic  
14           substances or residue. *Home compostable* includes products that meet  
15           the OK Compost Home certification standard adopted by Vincotte.

16           *Marine degradable* means a material that has the ability to completely  
17           biodegrade under marine environmental conditions including marine  
18           waters or marine sediments, leaving no toxic substances or residue.

19 **[[48-60. Waste reduction/source reduction program.**

20           (a) The County Executive must develop an ongoing waste reduction  
21           program.

22           (b) Under the waste reduction program, the County must:

23           (1) continue the goals and objectives established in the County waste  
24           reduction hierarchy and policies;

25           (2) organize a program of activities to reduce waste; and

26                   (3) search for opportunities to incorporate waste reduction into  
27                   ongoing and future efforts.]]

28 **[[48-61. Regulations.**

29           (a) The County Executive may adopt regulations to implement this Article  
30           under Method (1).

31           (b) The regulations may:

32                   (1) prohibit the use, distribution, or sale of certain products or  
33                   materials to reduce the amount of waste generated; and

34                   (2) require the use of environmentally preferable products or materials  
35                   instead of conventional alternatives. The basis of determining  
36                   prohibitions on use, sale, and requirements for environmentally  
37                   preferable alternatives may include:

38                           (A) evaluation of the amount of the product or material present  
39                           in the waste stream;

40                           (B) analysis of the detrimental impacts on the environment of  
41                           the product or material; and

42                           (C) establishment that alternative products or materials exist  
43                           that cause less environmental impact, are affordable, are  
44                           comparable in function, and capable of fulfilling the same  
45                           needs as other conventional products or materials.]]

46 **[[48-62]] [[48-60.]] 48-64. Source reduction of specific materials - Straws.**

47           (a) Information posting required. A food service business must post  
48           information that:

49                   (1) plastic straws will no longer be provided to a customer, except  
50                   [[where]] as necessary to [[accommodate a medical or disability-

51 related need of that customer]] comply with local, state, or federal  
 52 disability rights laws; and

53 (2) the food service business will provide to a customer, upon request  
 54 of the customer, a plastic straw to accommodate a medical or  
 55 disability-related need of the customer, without requiring the  
 56 customer to disclose any disability-related or medical information.

57 (b) *Certain straws prohibited.*

58 (1) Except as provided in subsection (c)[[,]] a food service business:

59 (A) must not provide a plastic straw to a customer; and [[.  
 60 Straws provided to customers must be]]

61 (B) may provide a reusable, [[or]] home compostable, or marine  
 62 degradable straw to a customer only upon the customer’s  
 63 request.

64 (2) Reusable, [[or]] home compostable, or marine degradable straws  
 65 include straws made of paper, [[polylactic acid (PLA),]] bamboo,  
 66 silicone, or stainless steel.

67 (c) *Exemptions.*

68 (1) [[Upon request, a food service business must provide a plastic  
 69 straw to a customer where it is necessary to accommodate a  
 70 medical or disability-related need of that customer.]] A food  
 71 service business:

72 (A) must keep a limited supply of plastic straws available to  
 73 customers to comply with local, state, or federal disability  
 74 rights laws;

75 (B) must provide a plastic straw to a customer who requests one  
 76 under this paragraph; and

77 (C) must not inquire into the nature of the disability or medical  
 78 information of the customer.

79 (2) A food service business may provide a reusable, home  
 80 compostable, or marine degradable straw:

81 (A) in a self-serve straw dispenser; and

82 (B) to a customer who is ordering food for carryout, delivery, or  
 83 drive-thru sales.

84 (3) If the Executive determines that there is no available home  
 85 compostable alternative to a plastic straw for a particular use, the  
 86 Executive may waive the requirements of this Section. The  
 87 Executive may rescind any wavier granted under this Section when  
 88 an acceptable alternative has become available.

89 (d) Outreach and education campaign. The Department must implement a  
 90 public outreach and education campaign before and during  
 91 implementation of the provisions of this Article. In developing  
 92 educational materials, DEP will consult with the Commission on People  
 93 with Disabilities.


94 **Sec. 2. Effective [[Date]] Dates.**

95 [[Sections 48-59, 48-60, and 48-61 take effect 91 days after this Act becomes  
 96 law. Section 48-62]] Section 1 of this Act takes effect 12 months after this Act becomes  
 97 law. Section 3 of this Act takes effect 91 days after this Act becomes law.

98 **Sec. 3. Transition Period.**

99 On or after May 1, 2021, a restaurant must not provide a straw to a dine-in  
 100 customer except: (1) upon the request of the customer; or (2) in a self-serve straw  
 101 dispenser.

Approved:

  
\_\_\_\_\_  
Tom Hucker, President, County Council  
12/9/2020  
Date

Approved:

  
\_\_\_\_\_  
Marc Elrich, County Executive  
12/21/2020  
Date

*This is a correct copy of Council action.*

  
\_\_\_\_\_  
Selena Mendy Singleton, Esq., Clerk of the Council  
12/21/2020  
Date