

Bill No. 33-20  
Concerning: Solid Waste (Trash) - Food Service Products Packaging Materials - Requirements  
Revised: 10/20/2020 Draft No. 3  
Introduced: July 21, 2020  
Enacted: October 20, 2020  
Executive: October 29, 2020  
Effective: January 28, 2021  
Sunset Date: None  
Ch. 34, 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) prohibit the use of **[[expanded]]** polystyrene food service products by food services businesses;
- (2) require the use of compostable or recyclable food service ware by the County, County contractors or lessees, and food service businesses;
- (3) prohibit the sale of **[[expanded]]** polystyrene food service products and polystyrene loose fill packaging;
- (4) provide for enforcement; and
- (5) generally amend County law regarding environmentally acceptable food service products and packaging materials.

By amending

Montgomery County Code  
Chapter 48, Solid Waste (Trash)  
Sections 48-52, 48-53, and 48-56

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<b>[Single boldface brackets]</b>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<b>[[Double boldface brackets]]</b>	<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. Sections 48-52, 48-53, and 48-56 of Chapter 48 is amended as**  
2   **follows:**

3   **48-52. Definitions.**

4           In this Article, the following terms have the meanings indicated:

5           *ASTM standard* means the American Society for Testing and Materials (ASTM)  
6           International Standards D6400 or D6868 for biodegradable and compostable  
7           plastics.

8   \*           \*           \*

9           *Disposable food service ware* means containers, bowls, plates, trays, cartons,  
10          cups, lids, [straws, forks, spoons, knives, napkins,] and other items that are  
11          designed for one-time use for beverages, prepared food, or leftovers from means  
12          prepared by a food service business. [The term “*disposable*”] *Disposable food*  
13          *service ware*”] does not include items composed entirely of aluminum.

14          [*Expanded polystyrene* means blown polystyrene and expanded and extruded  
15          foams that are thermoplastic petrochemical materials utilizing a styrene  
16          monomer and processed by a number of techniques, including fusion of polymer  
17          spheres (expandable bead polystyrene), injection molding, foam molding, and  
18          extrusion-blow molding (extruded foam polystyrene).]

19          [*Expanded polystyrene food service products* means food containers, plates, hot  
20          and cold beverage cups, meat and vegetable trays, egg cartons, and other  
21          products made of expanded polystyrene and used for selling, providing, or  
22          serving food that are:

- 23          (1) intended by the manufacturer to be used once for eating or drinking; or  
24          (2) generally recognized by the public as items to be discarded after one use.]

25          *Food service business* means a full-service restaurant, limited-service  
26          restaurant, fast food restaurant, café, delicatessen, coffee shop, supermarket,  
27          grocery store, vending truck or cart, food truck, business or institutional

28 cafeteria, including those operated by or on behalf of County departments and  
29 agencies, and/or other business selling or providing food within the County for  
30 consumption on or off the premises.

31 Polystyrene means the synthetic aromatic hydrocarbon polymer made from the  
32 monomer styrene. Polystyrene products are thermoplastic petrochemical  
33 materials that include injection molded, vacuum formed, or extruded solid  
34 materials, and blown, expanded, and extruded foams.

35 Polystyrene food service products means food containers, plates, hot and cold  
36 beverage cups, meat and vegetable trays, egg cartons, and other products made  
37 of polystyrene and used for selling, providing, or serving food and drink which  
38 are:

- 39 (1) intended by the manufacturer to be used once for eating or drinking; or
- 40 (2) generally recognized by the public as items to be discarded after one use.

41 \* \* \*

42 **48-53. Prohibition on use of [expanded] polystyrene food service products.**

43 (a) A food service business must not sell or provide food in [expanded]  
44 polystyrene food service products, regardless of where the food will be  
45 consumed.

46 (b) Subsection (a) does not apply to:

- 47 (1) food or beverages that were filled and ~~[[sealed]]~~ packaged in  
48 [expanded] polystyrene containers outside of the County before a  
49 food service business received them; or
- 50 (2) materials used to package raw, uncooked, or butchered meat, fish,  
51 poultry, or seafood for off-premises consumption.

52 \* \* \*

53 **48-56. Prohibition on sale.**

54 A person must not sell or offer for sale in the County:


- 55 (a) [expanded] polystyrene food service products; or
- 56 (b) polystyrene loose fill packaging.

57 \* \* \*

58 **Sec. 2. Effective Date.**

59 The prohibition on use of polystyrene food service products contained in Section  
60 48-53 and the prohibition on the sale of polystyrene food service products contained  
61 in Section 48-56 take effect 12 months after this Act becomes law, or on January 1,  
62 2022, whichever comes first.

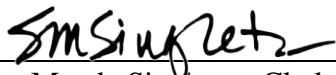
Approved:

  
\_\_\_\_\_  
Sidney Katz, President, County Council  
10/21/2020  
Date

Approved:

  
\_\_\_\_\_  
Marc Elrich, County Executive  
10/29/2020  
Date

*This is a correct copy of Council action.*

  
\_\_\_\_\_  
Selena Mendy Singleton, Clerk of the Council  
11/2/2020  
Date