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

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Sections 48-52, 48-53, and 48-56 of Chapter 48 is amended as follows:

48-52. Definitions.

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

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

* * *

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

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

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

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

Food service business means a full-service restaurant, limited-service restaurant, fast food restaurant, café, deli, coffee shop, supermarket, grocery store, vending truck or cart, food truck, business or institutional
cafeteria, including those operated by or on behalf of County departments and agencies, and/or other business selling or providing food within the County for consumption on or off the premises.

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

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

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

* * *


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

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

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

* * *

48-56. Prohibition on sale.

A person must not sell or offer for sale in the County:
(a) [expanded] polystyrene food service products; or
(b) polystyrene loose fill packaging.

Sec. 2. Effective Date.
The prohibition on use of polystyrene food service products contained in Section 48-53 and the prohibition on the sale of polystyrene food service products contained in Section 48-56 take effect 12 months after this Act becomes law, or on January 1, 2022, whichever comes first.
Approved:

Sidney Katz, President, County Council  10/21/2020

Marc Elrich, County Executive  10/29/2020

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

This is a correct copy of Council action.