



BALTIMORE CITY COMPREHENSIVE BAG BAN REDUCTION ACT

RETAILER FACT SHEET

WHAT IS THE BAG BAN?

Effective October 1, 2021, the Comprehensive Bag Reduction Act (Baltimore City Code Article 28 § 32-1, Article 7 §62-1) prohibits retailers from supplying customers with plastic bags for use as check out bags. Plastic checkout bag is defined as any plastic bag (less than 4 mils thick) supplied by a business to a customer at the point of sale, pickup, or delivery to carry purchased items. Baltimore businesses must charge a minimum of \$0.05 for each alternative bag distributed at check out, of which \$0.01 must be remitted to the City.

Baltimore's plastic bag ban was slated for implementation on January 13, 2021. Due to far-reaching impacts of this public health and economic emergency on our residents and businesses, Mayor Scott issued an Executive Order suspending the date of implementation until October 1, 2021, to allow for a more robust roll-out to residents and retailers.



**Baltimore Office
of Sustainability**
People • Planet • Prosperity



Brandon M. Scott
Mayor

For information:
www.baltimoresustainability.org

WHAT TYPES OF BAGS ARE BANNED?

Any plastic bag under 4 mils thick given or received at the point of purchase. The term 'mil' is used to describe bag thickness. '1 mil' is one thousandth of an inch, 4 mils is four thousandths of an inch. Thin plastic bags are .5 mil thick.

WHERE DOES THE BAN APPLY?

1. Supermarkets
2. Convenience Stores
3. Restaurants
4. Gas stations
5. Corner Stores
6. Shops and other sales outlets

WHERE ARE THERE EXCEPTIONS?

As per page 4 of the legislation, the ban "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 unpackaged baked goods
8. Ice
9. Foods and goods obtained at a farmers' market
10. Prescription drugs obtained from a pharmacy
11. Newspapers
12. Dry-cleaned goods

THE ANSWERS TO YOUR QUESTIONS...

Does this mean grocers and retailers can't supply any bags to customers?

Alternative bags can be supplied to customers including paper and compostable bags, or plastic bags over 4 mils. Customers must be charged a fee of at least \$0.05 for each bag. Customers may also purchase reusable bags or bring their own. The \$0.05 fee would not apply for reusable bags.

Does the ban/fee apply to online grocery orders for curbside pickup? And, does the ban/fee apply to grocery delivery services that are headquartered, packed in another county and then brought into the City for delivery?

Yes, and yes. The law applies at the point of sale, pickup or delivery in Baltimore City.

Are retailers able to give away paper or compostable bags for free?

No. The law requires a minimum fee of \$0.05 cents per bag.

How will the ban be enforced?

The Health Department conducts routine visits at food service facilities. Residents can also call 311 or email baltimoresustainability@baltimorecity.gov to report noncompliant retailers.

How does collection and payment of the surcharge work?

- **Collection:** The business must collect the surcharge from the customer for each checkout bag provided. The amount of the surcharge must be itemized on any receipt, invoice, or similar document given to the customer.
- **Payment:** The surcharge must be paid to the Director of Finance on or before the 25th day of the month following the month in which the transaction occurred (ex: if a business provides and charges for a bag on October 20th, the payment to the City for that transaction is due on or before November 25th).
- Each monthly payment must be accompanied by a report that includes:
 - the number of checkout bags provided to customers;
 - the total amount of the surcharge collected;
 - any other information that the Director of Finance may require to assure compliance with this policy.



NOTE: To avoid penalties and interest, businesses who have provided fewer than 300 checkout bags should report '0' for months where fewer than 300 checkout bags were provided. Once the total number of bags over these months exceeds 300, report that total and pay the required surcharge.

What constitutes an infraction? Could a retailer who is not in compliance accumulate hundreds of infractions in one sales day?

Infractions include supplying a plastic bag to a customer, not charging a customer the fee, and not submitting monthly payment and reports. It is possible to commit multiple infractions per day.

What happens if retailers do not comply?

Fines start at \$250 and increase to \$500 and \$1000 for repeat offenders.

Is the \$0.05 surcharge a taxable item, meaning do retailers apply sales tax to this fee or is the fee to be charged after sales tax is calculated?

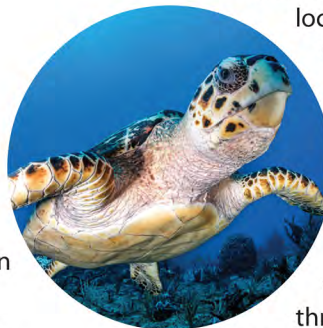
The \$0.05 fee is for the use, not the sale, of the checkout bag, and is not to be included in the calculation of sales tax for a transaction.

Does the City plan to provide any leniency or grace period for retailers that do not have their POS online to accommodate the surcharge by October 1, 2021, or for retailers that have single-use plastic bags remaining in their store after that effective date?

No. The law was passed in January 2020 to give retailers ample time to prepare for the ban.

Should chain retail stores remit their fee and report to the City by location, or as one entity?

Chain retailers should request tax ID per location and remit taxes and reports to the City by location. Start by signing up at www.baltimoresustainability.org



Why does this program matter?

Too often, plastic bags become pollution that ends up in our trees, streets, parks, drains, harbor and waterways. On average, in the U.S. we throw away enough plastic to fill a football stadium 1.5 times every day. By prohibiting plastic bag use, Baltimore is taking an important step towards a cleaner city and planet.

Is there any concern using reusable bags during the COVID-19 pandemic?

See: FAQs regarding the safety of reusable products during COVID-19

For questions, contact sustainability@baltimorecity.gov / 410-396-4556