

**EXECUTIVE ORDER
SUSPENSION OF EFFECTIVE DATE OF
ORDINANCE ON COMPREHENSIVE BAG REDUCTION**

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed by the Governor of Maryland on March 5, 2020, and renewed on March 17, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency still exists;

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed throughout Maryland;

WHEREAS, The Governor of Maryland on June 19, 2020, as part of the State's emergency response to the spread of COVID-19 within the State, by Executive Order 20-06-19-20 amended and restated the Order of March 12, 2020 Extending Certain Licenses, Permits, Registrations, and Other Governmental Authorizations and Authorizing the Suspension of Legal Time Requirements. That Gubernatorial Executive Order permitted the head of each unit of local government, upon finding that a suspension will not endanger the public health, welfare, or safety and after reasonable public notice and with notice to the Governor, to suspend the effect of any legal or procedural deadline, due date, time of default, time expiration, period of time, or other time of an act or event described within any State or local statute, rule, or regulation that it administers.

WHEREAS, the City Council passed the Ordinance on Comprehensive Bag Reduction on November 18, 2019;

WHEREAS, the Mayor Bernard C. "Jack" Young signed the bill into law (Ord. 20-337) on January 13, 2020.

WHEREAS, the Ord. 20-337 is a complex and comprehensive overhaul of City's existing Plastic Bag Reduction Program. The Ordinance prohibits retailers from providing plastic bags at checkout that are less than 4 millimeters thick unless the bag is to contain certain products. The Ordinance also requires retailers to collect a surcharge for any other bags provided at the point of sale, pickup or deliver to carry purchased items. It imposes reporting and remittance requirements on retailers;

WHEREAS, since the enactment of Ord. 20-337, retailers have faced closures and restrictions due to the COVID-19 pandemic. Retailers are struggling to continue to operate and employ people at pre-pandemic levels and have lost revenue;

WHEREAS, Ord. 20-337 will require retailers to make changes to their business operations during a pandemic that was not anticipated when the Ordinance was enacted. A change in the implementation date of Ord. 20-337 is necessary and will not will not endanger the public health, welfare, or safety.

NOW THEREFORE, I, Mayor Brandon Scott, Mayor of the City of Baltimore, by virtue of the authority vested in me by the Governor's Executive Order 20-06-19-01, authorizing suspension of legal time requirements, do hereby order:

- I. The January 13, 2021 effective date for all of those Sections of the Ordinance on Comprehensive Bag Reduction, Ord. 20-337, that are not yet effective is hereby suspended;
- II. The suspension will be for a period of 6 months until Friday July 9, 2021, but at the discretion of the Mayor, may be extended. In either case, the suspension may only stay in place for a period of time that is no more than the 30th day after the date by which the Governor's state of emergency is terminated and the catastrophic health emergency is rescinded.
- III. The effect of any statute, rule, or regulation of the City that is inconsistent with this Order is hereby suspended to the extent of the inconsistency.
- IV. If any provision of this Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction; all other provisions or applications of the Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Order are severable.

This Executive Order shall take effect immediately.



IN WITNESS WHEREOF I HAVE
HEREUNTO PLACED MY HAND
AND THE GREAT SEAL OF THE
CITY OF BALTIMORE
THIS 6 DAY OF JANUARY 2021.

Brandon M. Scott
BRANDON SCOTT,
MAYOR
CITY OF BALTIMORE

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
BY THE BALTIMORE CITY LAW DEPARTMENT

Dana P. Moore
DANA P. MOORE
ACTING CITY SOLICITOR