

August 8, 2023



Restaurant Association of Maryland *Comments and Concerns -- Bag Fees*

Dear City Council:

The Restaurant Association of Maryland¹ opposes bag fees for restaurants, and we request an exemption for restaurants and foodservice facilities in “the Comprehensive Plastic Bag Reduction Ordinance” that took effect in July.

Bag Fees

Issue advocates often mention that a goal of bag fees is to incentivize customers to avoid the fee by using their own reusable bags, or declining unnecessary bags when shopping. This may be practicable for retail store customers. However, restaurant carryout, drive-thru and delivery customers need the provided bags for ready-to-eat foods for sanitation reasons.

Reusable bags pose legitimate food safety concerns. Because of potential cross-contamination risks associated with reusable bags that may have previously been used to carry packages of raw meat, seafood and other groceries, or hardware store items and other things, most foodservice establishments refuse to place ready-to-eat food into customer-provided reusable bags because they do not want to risk being blamed for potential foodborne illness caused by cross-contamination. And because the outside of reusable bags is not generally clean, most restaurants will not accept such bags across the counter or into the kitchen, nor allow them to be placed on tables or counters.

Requiring restaurants to charge customers a fee for carryout bags is also problematic for other reasons:

1. In quick-service restaurants (a.k.a. fast food), food orders are not typically bagged until after the customer has paid for it. Reversing this standard operating practice would slow transactions and be counter-productive to the concept of quick-service.
2. For popular online ordering and third-party delivery platforms (Uber Eats, Grubhub, DoorDash, etc.), customers pay through the ordering platform before restaurants receive and bag the orders for pickup or delivery. Bag and order sizes vary, and it would be difficult to estimate the number of bags/bag fees when the order is placed.
3. For convenient curbside pickup, restaurants deliver already-bagged food to vehicles waiting outside – which means bag use is not optional and the number of bags used depends on the size of the bag and the order.
4. For dine-in customers who decide they want a “doggie bag” for leftovers after they’ve already paid the check, it would be impossible for a restaurant to subsequently charge for the bag. And if the restaurant did reopen a check only to charge a required bag fee, it would give the impression that they are nickel and diming their customers.

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5. Restaurant customers who seek to reduce bag fees will refuse to pay for more than one bag and request that restaurant staff cram everything into a single bag, which potentially compromises food quality. And the speed of drive-thru service would be slowed by customers who request that purchased food be handed through the window individually to avoid a bag fee.

Other jurisdictions have also treated restaurants differently in their laws/ordinances regarding bag fees, including the **Town of Easton** ([exempts restaurants from bag fees](#)), the **Town of Centreville** ([exempts restaurants from bag fees](#)), **Anne Arundel County** ([exempts restaurants from bag fees](#)), **Howard County** ([exempts restaurants from bag fees](#)) and **Montgomery County** ([exempts restaurants from paper bag fees](#)).

Thank you for your time and consideration of our concerns.

For questions or more information, please contact the Restaurant Association of Maryland's government affairs staff: Melvin Thompson (443-539-2455, mthompson@marylandrestaurants.com) or Brendan Mahoney (443-752-2899, bmahoney@marylandrestaurants.com).

¹ About the Restaurant Association of Maryland:

The Restaurant Association of Maryland (RAM) is a statewide trade association operated for the purpose of helping Maryland restaurants succeed. For over 75 years, RAM has been run by restaurateurs working for the benefit of its members and the restaurant industry as a whole. RAM leads and supports the foodservice industry in Maryland by showcasing member restaurants, offering programs that reduce operating costs and advocating for the interests of foodservice businesses. For more information, visit marylandrestaurants.com.