

Amendments Key:

Original proposed amendments are presented as ~~striketrough~~ and underline.

Additional amendments as amended at Second Reading on May 26, 2026 are presented as ~~striketrough~~ and underline.

EXHIBIT A

PART I - GENERAL ORDINANCES Chapter 38 - ENVIRONMENT

ARTICLE VI. ~~SINGLE-USE PLASTIC BAGS,~~ STRAWS, CUTLERY, AND EXPANDED POLYSTYRENE FOAM PRODUCTS**ARTICLE VI. ~~SINGLE-USE PLASTIC BAGS,~~ STRAWS, CUTLERY, AND EXPANDED POLYSTYRENE FOAM PRODUCTS.****Sec. 38-161. Purpose and intent.**

This article is adopted to improve the quality of the environment, beaches, and waterways of the county and prolong the life-span of certain infrastructure by ~~encouraging the use of reusable checkout bags and recyclable paper carryout bags and banning~~ eliminating the use of plastic carryout bags for distribution and use by prepared food or grocery establishments, prepared food providers, retailer stores, shops, vendors, sellers, and other merchants for their customers to carry, transport or store purchased goods or products; eliminating the distribution of expanded polystyrene foam disposable food service ware; and limiting the distribution of plastic straws and plastic cutlery. ~~the use of single-use plastic bags for retail checkout of purchased goods.~~ Business establishments are encouraged to ~~make~~ have reusable bags available for sale, and ~~to make~~ provide recyclable paper carryout bags to customers ~~available for distribution and to continue offering bins for all recyclable products including, but not limited to, plastic products.~~ This article does not impose a tax on the use of plastic products ~~of any kind including, but not limited to, single use plastic bags.~~

(Ord. No. 2018/5, 1-22-2018)

Sec. 38-162. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business establishment. Any prepared food or grocery establishment, prepared food provider, retail or commercial enterprise that provides plastic carryout bags, disposable food service ware (including but not limited to plastic straws or cutlery), or expanded polystyrene foam products (including but not limited to to-go containers or cups) to its customers through its employees, agents, or independent contractors associated with the business. The term includes, but is not limited to, restaurants, food trucks, convenience stores, grocery stores, retail stores, shops,

warehouses, vendors, sellers, merchants or any other entity that sells goods and products that use and distribute plastic carryout bags, disposable food service ware, or expanded polystyrene foam products to their customers to be used on the business' premises or to carry, transport, store or be used with purchased goods or products purchased from the business establishment. ~~sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity, whether for profit or not for profit.~~

Customer. A person who purchases or is provided merchandise from a business establishment.

Disposable Food Service Ware. (Interchangeable with "to-go containers") Any product, including but not limited to bowls, containers, clamshell containers, cartons, cups, cutlery, napkins, plates, straws, stirrers, trays, and other items designed for one-time use associated with prepared foods, including without limitation, service ware for to-go foods and/or food from partially consumed meals prepared by food providers.

Expanded polystyrene foam (EPF). A blown, expanded, and extruded polystyrene (often referred to as the branded Styrofoam) or other plastic foam processed by multiple techniques into consumer products. Examples of products generally include, but are not limited to, bowls, cups, clamshell containers, and food packaging trays.

Plastic carryout bag. A bag provided by a business establishment to a customer typically at the point of sale, for a one-time use to transport purchases, which is predominantly made of plastic derived from either petroleum or a biologically based source, including compostable and biodegradable bags, but excluding reusable carryout bags.

Recyclable. Any material that is accepted by the Beaufort County recycling program, including, but not limited to, paper, glass, aluminum, cardboard, and plastic bottles, jars, and tubs. This also means any approved alternative products which are accepted by the county recycling centers.

Reusable carryout bag. A carryout bag that is specifically designed and manufactured for multiple reuses, and meets the following criteria:

- (1) Displays in a highly visible manner on the bag exterior, language describing the bag's ability to be reused and recycled; and
- (2) Has handles; ~~except that handles are not required for carryout bags constructed out of recyclable paper with a height of less than 14 inches and width of less than eight inches;~~ which are stitched and not heat-fused; and
- (3) Is constructed out of ~~any of the following materials:~~
 - ~~(a) Cloth, other washable fabric, or other durable materials, whether woven or non-woven,~~ capable of being cleaned and disinfected; or ~~and~~
 - ~~(b) Recyclable plastic, with a minimum thickness of 2.25 mils~~
- (4) Has a minimum lifetime of 125 uses, which, for purposes of this section means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet.

~~*Single use plastic carryout bag.* A bag provided by a business establishment to a customer~~

~~typically at the point of sale for the purpose of transporting purchases, which is made predominantly of plastic derived from either petroleum or a biologically based source. "Single-use plastic carryout bag" includes compostable and biodegradable bags, but does not include reusable carryout bags.~~

(Ord. No. 2018/5, 1-22-2018)

Sec. 38-163. Regulations.

- (a) No person ~~or~~ business establishment or governmental entity may provide ~~single-use~~ plastic carryout bags or EPF disposable food service ware at any county facility, county-sponsored event, or any event held on county property located within unincorporated Beaufort County.
- (b) No business establishment conducting business within ~~the unincorporated Beaufort County limits~~ may provide ~~single-use~~ plastic carryout bags or EPF disposable food service ware to its customers in Beaufort County. All business establishments conducting business shall provide or make available to a customer in Beaufort County reusable carryout bags or recyclable paper bags.
- (c) Business establishments within ~~the county limits~~ are strongly encouraged to provide ~~prominently displayed signage advising customers of the benefit of reducing, reusing, and recycling, and promoting the use of reusable carryout bags and recyclable paper carryout bags by customers.~~ Beaufort County shall only provide, distribute, or deliver plastic straws and plastic cutlery for prepared food upon the request or affirmative response of a customer or person being provided the prepared food or beverage, or in a self-service area or dispenser.
- (d) No business establishment within Beaufort County can sell, rent, or provide any EPF products to its customers, except as exempted in this Ordinance.

(Ord. No. 2018/5, 1-22-2018)

Sec. 38-164. Exemptions.

This article shall not apply to:

- (a) Laundry dry cleaning bags, door-hanger bags, newspaper bags, or packages of multiple bags intended for use as garbage, pet waste, or yard waste;
- (b) Bags provided by pharmacists, physicians, dentists, or veterinarians to contain prescription drugs or other medical ~~necessities~~ products;
- (c) Bags used by a customer inside a business establishment to:
 - (1) Contain bulk items, such as produce, nuts, grains, candy, or small hardware items;
 - (2) Contain or wrap frozen foods, meat, or fish, whether or not prepackaged;
 - (3) Contain or wrap flowers, potted plants, or other items to prevent moisture damage to other purchases; ~~or~~
 - (4) Contain unwrapped prepared foods or bakery goods; ~~and~~

- (d) Bags of any type that the customer brings to the store for their own use for carrying away from the store goods that are not placed in a bag provided by the store;
- (e) Packaging trays or cartons made from EPF, which are used to contain unprepared foods such as meats, eggs, produce, and dairy products;
- (f) Products made of EPF which are wholly encapsulated or encased by a more durable material, including but not limited to surfboards, boats, and life preservers;
- (g) Any products purchased, prepared, or packaged outside Beaufort County that are delivered to or sold in the county;
- (h) Any organization providing emergency services during a declared state of emergency or an emergency situation where the immediate preservation of the public peace, health, or safety is involved;
- (i) Bags and disposable food service ware used by 501(c)(3) organizations associated with schools, religious groups, and humanitarian organizations to distribute food, grocery products, clothing, or other household items;
- (j) Items used for ready-to-eat foods by food and grocery establishments that are predominantly made of paper, including: wax paper products, paper products with plastic inserts/sections, and paper cups and bowls that are lined with plastic;
- (k) Construction products made from EPF if the products are used in compliance with the Beaufort County Building Codes and used in a manner preventing the EPF from being released into the environment;
- (l) Any packaging used by a food or grocery establishment that is required to comply with South Carolina Department of Agriculture Retail Food Establishments Regulation 61-25 and similar food safety regulations, or are required to comply with any federal food safety laws and regulations, shall be exempt from the provisions of this Ordinance.

(Ord. No. 2018/5, 1-22-2018)

Sec. 38-165. Penalties.

- (a) Any business establishment that violates or fails to comply with any of the provisions of this chapter after a written warning notice has been issued for that violation shall be deemed guilty of issued a citation for a misdemeanor civil violation. The civil penalty shall not exceed \$100.00 for a first violation; \$200.00 for a second violation within any 12-month period; and \$500.00 for each additional violation within any 12-month period. Each day that a violation continues will constitute a separate offense.
- (b) In addition to the penalties set forth in this section, repeated civil violations of this chapter by a person who owns, manages, operates, is a business agent of, or otherwise controls a business establishment may result in the suspension or revocation of the business license issued to the premises on which the civil violations occurred. No business license shall be issued or renewed until all fines outstanding against the applicant for violations of this chapter are paid in full.

- (c) Violation of this chapter is hereby declared to be a public nuisance, which may be abated by the county by restraining order, preliminary and permanent injunction, or other means provided for by law, and the county may take action to recover the costs of the nuisance abatement.

(Ord. No. 2018/5, 1-22-2018)

Sec. 38-166. Effective date and review.

- (a) The amended provisions of this article shall take effect eight months from the date county council enacts adopts the amendments to this the ordinance codified in this article, provided that the same or a substantially similar ordinance has been adopted by every municipality wholly in Beaufort County. If the same or substantially similar ordinance has not been adopted by every municipality wholly in Beaufort County on the date the county council adopts this article, then this article shall take effect on the date the last municipality does adopt such an ordinance.
- ~~(b) Provided this article takes effect, the county will implement a program to evaluate the success of this article by soliciting input, including statistical data, from all parties and organizations with an interest in this legislation. County council will review the evaluation three years from the date this article goes into effect.~~

(Ord. No. 2018/5, 1-22-2018)

Secs. 38-167—38-190. Reserved.