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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO HEALTH AND SAFETY - PLASTIC WASTE REDUCTION

Introduced By: Senators Nesselbush, Satchell, DiPalma, Conley, and Goldin

Date Introduced: February 26, 2013

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 19.16

4 PLASTIC WASTE REDUCTION ACT

5 **23-19.16-1. Short title.** -- This chapter shall be known and may be cited as the "Plastic
6 Waste Reduction Act".

7 **23-19.16-2. Legislative findings.** -- It is hereby found and declared as follows:

8 With Narragansett Bay, hundreds of miles of coastline, dozens of islands, and hundreds
9 of bodies of water including rivers, ponds, and lakes, Rhode Island faces a real threat from plastic
10 pollution. Single-use plastic checkout bags are a primary source of this pollution, littering Rhode
11 Island's neighborhoods, parks, and roadsides, as well as aquatic and coastal environments, posing
12 a direct threat to wildlife and accumulating in waterways. A ban on these plastic bags is the most
13 effective way to eliminate this source of pollution.

14 **23-19.16-3. Definitions.** -- When used in this chapter:

15 (1) "Checkout bag" means any carry-out bag that is provided to the customer at the point
16 of sale. "Checkout bag" does not include plastic barrier bags, double-opening plastic bags, or
17 plastic bags measuring larger than twenty-eight inches (28") by thirty-six inches (36").

18 (2) "Department" means the department of environmental management as established in
19 chapter 42-17.1.

1 (3) "Double-Opening Plastic Bags" means any thin plastic bag with a double-opening
2 (top and bottom) to protect clothing or other items for transport.

3 (4) "Pass-through charge" means a charge to be collected by retailers from their
4 customers when providing recyclable paper bags, and retained by retailers to offset the cost of
5 bags and other costs related to the pass-through charge.

6 (5) "Plastic barrier bag" means any thin plastic bag with a single opening used to:

7 (i) Transport fruit, vegetables, nuts, grains, small hardware items, or other items selected
8 by customers to the point of sale;

9 (ii) Contain or wrap fresh or frozen foods, meat, or fish, whether prepackaged or not;

10 (iii) Contain or wrap flowers, potted plants, or other items where damage to a good or
11 contamination of other goods placed together in the same bag may occur; or

12 (iv) Contain unwrapped prepared foods or bakery goods.

13 (6) "Recyclable paper bag" means a paper bag that is fully recyclable overall and contains
14 a minimum of forty percent (40%) post-consumer recycled content and contains no old growth
15 fiber. The bag should display the words "Reusable" and "Recyclable" or the universal recycling
16 logo on the outside of the bag in green lettering at least one inch (1") in size.

17 (7) "Retail sales establishment" means any enterprise whereby the sale or transfer to a
18 customer of goods in exchange for payment occurring in retail stores, farmers' markets, flea
19 markets, and restaurants. This does not include sales of goods at yard sales, tag sales, other sales
20 by residents at their homes, and sales by nonprofit organizations.

21 (8) "Large retail sales establishment" means a retail sales establishment with five million
22 dollars (\$5,000,000) or more in annual gross retail sales volume, as reported to the department of
23 revenue.

24 (9) "Small retail sales establishment" means a retail sales establishment with less than
25 five million dollars (\$5,000,000) in annual gross retail sales volume, as reported to the
26 department of revenue.

27 (10) "Reusable bag" means a bag with handles that is specifically designed and
28 manufactured for multiple reuse and is made of cloth or other fabric or is made of durable plastic
29 that is at least two and a quarter (2.25) mils thick.

30 **23-19.16-4. Plastic waste reduction.** -- (a) Effective January 1, 2014, large retail sales
31 establishments are prohibited from making available any plastic checkout bag, not including
32 plastic barrier bags or double-opening plastic bags:

33 (1) Large retail sales establishments shall collect a pass-through charge of not less than
34 ten cents (\$.10) for each recyclable paper bag provided to customers; and

1 (2) All large retail establishments shall indicate on the customer transaction receipt the
2 number of recyclable paper carryout bags provided and the total amount of the pass-through
3 charge.

4 (b) Effective January 1, 2015, no retail sales establishment, including large retail sales
5 establishments and small retail sales establishments, shall make available any plastic checkout
6 bags at the point of sale, not including plastic barrier bags or double-opening plastic bags;

7 (1) All retail sales establishments shall collect a pass-through charge of not less than ten
8 cents (\$.10) for each recyclable paper bag provided to customers; and

9 (2) All retail establishments shall indicate on the customer transaction receipt the number
10 of recyclable paper bags provided and the total amount of the pass-through charge.

11 (c) Nothing in this section shall preclude a retail sales establishment from making
12 reusable bags or recyclable paper bags available for sale to customers.

13 **23-19.16-5. Enforcement-penalty.--** (a) This chapter shall be implemented, administered
14 and enforced by the department.

15 (b) Upon being made aware of a potential violation of this chapter, the department shall
16 investigate and determine whether a violation has occurred.

17 (c) If the investigation confirms that a violation has occurred, the department or other
18 designee shall give written notice to the owner of the property, the owner's agent, or the person
19 performing such violation that the violation is occurring and must stop.

20 (d) Such notice shall be in writing and may be served upon a person to whom it is
21 directed either by delivering it personally to him or her or by posting same upon a conspicuous
22 portion of the property and sending a copy of same certified mail to the person to whom the
23 notice is directed.

24 (e) The owner, the owner's agent, or the person performing the violation is responsible
25 for confirming, in writing, that the violation has ceased to the department or other designee within
26 fourteen (14) days of receipt of the notice.

27 (f) A second violation after the fourteen (14) day response period of the first violation
28 and within one year of the receipt of the confirmation that the violation had ceased shall incur a
29 penalty of one hundred fifty dollars (\$150).

30 (g) A third violation within one year of the second and any subsequent violations shall
31 incur a penalty of three hundred dollars (\$300).

32 (h) Each occurrence of a violation after the first, and each day that such violation
33 continues, shall constitute a separate violation and may be cited as such.

34 (i) The department shall promulgate rules and regulations necessary to implement this

1 [chapter within one hundred eighty \(180\) days of passage of this act.](#)

2 **23-19.16-6. Severability.** -- [If any part or provision of this chapter, or the application of](#)
3 [any part or provision to any person, entity, or circumstances is adjudged invalid by any court of](#)
4 [competent jurisdiction, the judgment shall be confined in its operation to the part, provision or](#)
5 [application directly involved in the controversy in which the judgment shall have been rendered,](#)
6 [and shall not affect or impair the validity of the remainder of this law or the application to other](#)
7 [persons, entities, or circumstances.](#)

8 SECTION 2. Chapter 23-18.11 of the General Laws entitled "Promotion of Paper Bag
9 Usage" is hereby amended by adding thereto the following section:

10 **23-18.11-7. Sunset.** -- [The provisions of this chapter shall be repealed effective](#)
11 [December 31, 2014.](#)

12 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO HEALTH AND SAFETY - PLASTIC WASTE REDUCTION

- 1 This act would establish a plan for the gradual ban on the use of disposable plastic
- 2 checkout bags by retail establishments.
- 3 This act would take effect upon passage.

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