

2014 -- S 2314

=====
LC004302
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO HEALTH AND SAFETY - PLASTIC WASTE REDUCTION

Introduced By: Senators Lombardo, Nesselbush, Lombardi, Conley, and Satchell

Date Introduced: February 12, 2014

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;

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

13 (v) Newspaper sleeves.

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

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

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

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

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

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

34 (b) Effective January 1, 2015, no retail sales establishment, including large retail sales

1 establishments and small retail sales establishments, shall make available any plastic checkout
2 bags at the point of sale, not including plastic barrier bags or double-opening plastic bags.

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

5 **23-19.16-5. Enforcement-penalty.--** (a) This chapter shall be implemented, administered
6 and enforced by the city or town police department or department or division designated by its
7 chief executive officer.

8 (b) Upon being made aware of a potential violation of this chapter, the city or town
9 designee shall investigate and determine whether a violation has occurred.

10 (c) If the investigation confirms that a violation has occurred, the city or town designee
11 shall give written notice to the owner of the property, the owner's agent, or the person performing
12 such violation that the violation is occurring and must stop.

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

17 (e) The owner, the owner's agent, or the person performing the violation is responsible
18 for confirming, in writing, that the violation has ceased to the city or town designee within
19 fourteen (14) days of receipt of the notice.

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

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

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

27 (i) Every city or town shall promulgate rules and regulations necessary to implement this
28 chapter within one hundred eighty (180) days of passage of this act.

29 **23-19.16-6. Severability. --** If any part or provision of this chapter, or the application of
30 any part or provision to any person, entity, or circumstances is adjudged invalid by any court of
31 competent jurisdiction, the judgment shall be confined in its operation to the part, provision or
32 application directly involved in the controversy in which the judgment shall have been rendered,
33 and shall not affect or impair the validity of the remainder of this law or the application to other
34 persons, entities, or circumstances.

1 SECTION 2. This act shall take effect upon passage.

=====
LC004302
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
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.

=====
LC004302
=====