

2017 -- H 5946

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO HEALTH AND SAFETY

Introduced By: Representatives Edwards, Canario, Kazarian, Amore, and Lima

Date Introduced: March 17, 2017

Referred To: House Environment and Natural Resources

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 19.17

4 PLASTIC WASTE REDUCTION ACT

5 **23-19.17-1. Definitions.**

6 As used in this chapter, the following terms shall have the following meanings:

7 (1) "Department" means the department of environmental management.

8 (2) "Expanded polystyrene" means polystyrene that has been expanded into a solid foam.

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

12 (4) "Pass-through charge" means a charge to be collected by retailers from their
13 customers when providing plastic water bottles or expanded polystyrene, and retained by retailers
14 to offset the cost related to the pass-through charge.

15 (5) "Plastic barrier bag" means a thin plastic bag which is typically used to pack
16 perishable food items such as fruit, vegetables and meat in supermarkets and other food outlets.

17 (6) "Plastic water bottle" means a single-serving polyethylene terephthalate (PET) bottle
18 of one liter or less used to distribute unflavored water.

19 (7) "Retail sales establishment" means any enterprise whereby the sale or transfer to a

1 customer of goods in exchange for payment occurs in a retail store, farmers' market, flea market,
2 or restaurant. This meaning does not include sales of goods at yard sales, tag sales, other sales by
3 residents at their homes, or sales by nonprofit organizations.

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

7 **23-19.17-2. Plastic waste reduction.**

8 (a) Effective January 1, 2018, all retail establishments located and doing business within
9 the state that sell or convey goods or food, shall be prohibited from using anything other than the
10 following: plastic bags with a minimum recycled content of twenty percent (20%), one hundred
11 percent (100%) recyclable paper bags, compostable plastic bags, and reusable bags.

12 (b) Effective January 1, 2018, no retail sales establishment, including large retail sales
13 establishments and small retail sales establishments, shall make available any plastic water bottle
14 or expanded polystyrene disposable food container at the point of sale; provided, however, that a
15 plastic water bottle or expanded polystyrene disposable food container shall not be deemed to
16 include plastic barrier bags or double-opening plastic bags.

17 **23-19.17-3. Enforcement; Penalty.**

18 (a) This chapter shall be implemented, administered and enforced by the municipalities',
19 police department, or other department or division designated by their mayors or town managers.

20 (b) Upon being made aware of a potential violation of this chapter, the municipality's
21 designee shall investigate and determine whether a violation has occurred.

22 (c) If the investigation confirms that a violation has occurred, the municipality's designee
23 shall give written notice to the owner of the property, the owner's agent, and/or the person
24 performing the violation that the violation is occurring and must immediately cease.

25 (d) The notice shall be in writing and shall be served upon the person to whom it is
26 directed either by personal delivery or by posting the notice upon a conspicuous portion of the
27 property and by sending a copy of the notice by certified mail to the person to whom the notice is
28 directed.

29 **23-19.17-4. Ordinances.**

30 Municipalities are authorized to establish ordinances necessary to implement the
31 purposes of this chapter.

32 SECTION 2. This act shall take effect on January 1, 2018.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY

1 This act would prohibit retail sales establishments from making available to their
2 customers, plastic checkout bags, plastic water bottles or expanded polystyrene disposable food
3 containers at the point of sale.

4 This act would take effect on January 1, 2018.

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