

2019 -- H 5671

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO HEALTH AND SAFETY - PLASTIC WASTE REDUCTION ACT

Introduced By: Representatives McEntee, Fellela, Ucci, Costantino, and Handy

Date Introduced: February 27, 2019

Referred To: House Environment and Natural Resources

(Dept. of Environmental Management)

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. Plastic waste reduction act. - Findings.**

6 (1) Plastic pollution is dangerous to the health of our oceans and ocean species,
7 contributes to climate change, and is a major component of unsightly litter both on our lands and
8 in our waters;

9 (2) Plastics that enter the marine environment break down through wave action and
10 sunlight into smaller pieces called microplastics, which can be ingested by marine life, putting
11 Rhode Island's fishing industries and aquatic ecosystems at risks;

12 (3) Plastic bags and thin plastic films are the predominant contaminant of recycling loads
13 in Rhode Island;

14 (4) Single-use plastic bags have severe environmental impacts on a local and global scale,
15 including pollution of our waters, harm to marine and wildlife, greenhouse gas emissions,
16 blocking storm drains and creating litter;

17 (5) It is in the best interests of the health, safety and welfare of citizens of and visitors to
18 Rhode Island to protect our environment and our natural resources by reducing the distribution of
19 single-use plastic checkout bags and incentivizing the use of reusable bags.

1 **23-19.17-2. Definitions.**

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

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

4 (2) "Recyclable paper bag" means a paper bag that is one hundred percent (100%)
5 recyclable including the handles, contains at least forty percent (40%) post-consumer paper
6 content, and displays the words "Recyclable" and the percentage of post-consumer paper content
7 in a visible manner on the outside of the bag. The term "recyclable paper bag" does not include
8 paper carryout bags at restaurants.

9 (3) "Retail sales establishment" means any licensed enterprise where the sale or transfer
10 to a customer of goods in exchange for payment occurs in a retail store, flea market, or restaurant
11 or other food service establishment. Retail sales establishments do not include farmers' markets,
12 bazaars or festivals operated by nonprofit or religious institutions, yard sales, tag sales, or other
13 sales by residents at their homes.

14 (4) "Reusable bag" means a bag with handles that is specifically designed and
15 manufactured for one hundred twenty-five (125) or more reuses, and is made primarily of
16 washable cloth, other durable woven or nonwoven fabric, polyester, polypropylene, or other
17 durable plastic with a minimum thickness of four (4.0) mils.

18 (5) "Single-use plastic checkout bag" means a carryout bag that is provided to the
19 customer at the point of sale for the purpose of transporting groceries or other retail goods, and is
20 made from compostable or non-compostable plastic and not specifically designed and
21 manufactured for multiple re-use.

22 The term "single-use plastic checkout bag" does not include the following types of bag:

23 (i) Bags used by customers inside a business to package loose items, such as fruits,
24 vegetables, nuts, ground coffee, grains, candies, or small hardware items;

25 (ii) Bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, or
26 other items to contain dampness or prevent contamination of other goods;

27 (iii) Bags used to contain unwrapped prepared foods or bakery goods;

28 (iv) Newspaper bags for home newspaper delivery;

29 (v) Door-hanger bags;

30 (vi) Laundry, dry cleaning, or garment bags, including bags provided by hotels to guests
31 to contain wet or dirty clothing;

32 (vii) Bags sold in packages containing multiple bags intended for household or
33 commercial use to contain foods and for garbage, pet waste, or yard waste;

34 (viii) Bags used to contain live animals, such as fish or insects sold in pet stores; and

1 (ix) Bags provided to transport partially-consumed bottles of wine.

2 **23-19.17-3. Prohibition on single-use plastic bag distribution.**

3 (a) Retail sales establishments are prohibited from making available any single-use
4 plastic checkout bag or any paper checkout bag that is not a recyclable paper bag or a paper
5 carryout bag at restaurants.

6 (b) To further promote the use of reusable shopping bags and reduce the quantity of
7 single-use carryout bags entering the waste stream, retailers are authorized and encouraged to
8 make reusable carryout bags available to the public, targeting low-income households to the
9 greatest degree possible.

10 **23-19.17-4. Recyclable paper bag fee requirements.**

11 (a) The retail sales establishment shall collect from customers, at the time of purchase, a
12 recyclable paper bag fee of five cents (\$0.05) for each recyclable paper bag provided to a
13 customer.

14 (b) Any charge by a retail sales establishment for a recyclable paper bag shall be
15 separately stated on a receipt provided to the customer at the time of sale and shall be identified
16 as the "checkout bag charge" thereon.

17 (c) All fees collected pursuant to this section shall be retained by the retail sales
18 establishment.

19 **23-19.17-5. Enforcement and penalty.**

20 (a) Responsibility and jurisdiction for enforcement shall be with municipalities and the
21 department.

22 (b) Violations of any section of this chapter shall subject a retail sales establishment to
23 penalties as set forth in this chapter.

24 (c) Penalties for violation of this chapter shall be as follows:

25 (1) One hundred dollars (\$100) for the first violation in a calendar year;

26 (2) Two hundred dollars (\$200) for the second violation in a calendar year;

27 (3) Five hundred dollars (\$500) for the third and any subsequent violation in a calendar
28 year.

29 (d) All penalties collected by municipalities pursuant to this section shall be retained by
30 the municipality.

31 **23-19.17-6. Uniformity.**

32 (a) This chapter is a matter of statewide interest and concern and is applicable uniformly
33 throughout the state. Accordingly, this chapter occupies the whole field of regulation of reusable
34 bags, single-use bags, and recyclable paper bags, as defined in this chapter, provided by a retail

1 [sales establishment, as defined in § 23-19.17-2, and shall supersede any and all state and local](#)
2 [laws, regulations, and ordinances in this field.](#)

3 **23-19.17-7. Rules and regulations.**

4 [The director is hereby authorized to promulgate rules and regulations necessary to carry](#)
5 [out the provisions of this chapter.](#)

6 SECTION 2. This act shall take effect within one year from the date of promulgation of
7 regulations by the department as authorized by this chapter, or on January 1, 2021, whichever
8 occurs first.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY - PLASTIC WASTE REDUCTION ACT

1 This act would create the "Plastic Waste Reduction Act" designed to reduce the use of
2 plastic bags by retail establishments by offering recyclable bag options and providing penalties
3 for violations.

4 This act would take effect within one year from the date of promulgation of regulations
5 by the department as authorized by this chapter, or on January 1, 2021, whichever occurs first.

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