

2020 -- H 7872

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO FOOD AND DRUGS -- PLASTIC RECYCLING AND LITTER ACT

Introduced By: Representatives Kazarian, Carson, McEntee, Fogarty, and Shekarchi

Date Introduced: February 26, 2020

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 21-27.1 of the General Laws entitled "Plastic Recycling and Litter
2 Act" is hereby amended by adding thereto the following section:

3 **21-27.1-4. Reducing plastic and other disposables in food service program.**

4 (a) In an effort to assist food businesses to implement best practices to reduce waste and
5 cut costs by minimizing disposable product usage, the general assembly hereby establishes a
6 voluntary program to be known as "ReThink Disposable RI".

7 (b) This technical assistance program will be offered by the Rhode Island chapter of
8 ReThink Disposable at no charge to caterers, mobile food vendors or restaurants. This program
9 can:

10 (1) Make recommendations to help businesses reduce waste from disposable packaging;

11 (2) Purchase some reusable products to help businesses implement the recommendations
12 (based on available funding);

13 (3) Measure and report back to the business owner the amount of waste reduced and the
14 annual cost savings; and

15 (4) Recognize and promote the business within the community.

16 (c) The following conditions are required for participation:

17 (1) Implementation of recommended changes within an agreed upon timeline; and

18 (2) Provision of information in a timely manner that allows ReThink Disposable to track
19 and document the progress.

- 1 (d) The program consists of a three (3) step process as follows:
2 (1) Performance of a baseline inventory of the quantity and costs of the disposable products
3 used by the business;
4 (2) Implementation of recommended practices to reduce the use of disposable food
5 serviceware; and
6 (3) Performance of a follow-up inventory to measure reductions and cost savings.
7 (e) The department of environmental management shall create a form to allow food
8 businesses to apply for participation in this program and a certificate of completion of the program
9 for the business to present to the division of taxation.
10 (f) All participants who successfully complete the program shall receive a dated certificate
11 of completion for presentation to the division of taxation granting them a two (2) year exemption
12 from the payment for a litter control participation permit pursuant to the provisions of § 44-44-3.1.

13 SECTION 2. Section 44-44-3.1 of the General Laws in Chapter 44-44 entitled "Taxation
14 of Beverage Containers, Hard-to-Dispose Material and Litter Control Participation Permittee" is
15 hereby amended to read as follows:

16 **44-44-3.1. Permit required.**

17 (a) Commencing August 1, 1988, every person engaging in, or desiring to engage in
18 activities described in § 44-44-2(20), shall annually file an application with the tax administrator
19 for a litter control participation permit, hereinafter called a "permit", for each place of business in
20 Rhode Island. In those cases where the only qualifying activity is the operation of vending
21 machines, the person shall either obtain a Class A permit for each vending machine or obtain a
22 permit based on total gross receipts. All applications shall be in a form, including information and
23 bearing signatures that the tax administrator may require. At the time of making an application, the
24 applicant shall pay the tax administrator a permit fee based as follows:

25 (1) For the applicant whose gross receipts for the prior calendar year measured less than
26 fifty thousand dollars (\$50,000), a fee of twenty-five dollars (\$25.00);

27 (2) For the applicant whose gross receipts for the prior calendar year measured at least fifty
28 thousand dollars (\$50,000), but less than one hundred thousand dollars (\$100,000), a fee of thirty-
29 five dollars (\$35.00);

30 (3) For the applicant whose gross receipts for the calendar year measured at least one
31 hundred thousand dollars (\$100,000), but less than four hundred thousand dollars (\$400,000), a fee
32 of seventy-five dollars (\$75.00);

33 (4) For the applicant whose gross receipts for the prior calendar year measured at least four
34 hundred thousand dollars (\$400,000), but less than one million dollars (\$1,000,000), a fee of one

1 hundred dollars (\$100); and

2 (5) For the applicant whose gross receipts for the prior calendar year measured one million
3 dollars (\$1,000,000) or more, a fee of one hundred twenty-five dollars (\$125) for each one million
4 dollars (\$1,000,000) or fraction of this amount. The fee in this subdivision shall not exceed the sum
5 of one thousand dollars (\$1,000) for each permit at each place of business in Rhode Island when
6 the "qualifying activities" referred to in this section and defined in § 44-44-2(20) and the sale of
7 food products do not exceed ten percent (10%) of the gross receipts for each permit.

8 (b) Commencing August 1, 2020, any business engaged in the food service business,
9 including, but not limited to, a caterer, mobile food vendor, or restaurant which successfully
10 completes the program for reducing plastic and other disposables established by § 21-27.1-4 shall
11 be exempt from the payment of any fee required by this section upon presentation of a dated
12 certificate of completion issued by the department of environmental management for a period of
13 two (2) years.

14 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 FOOD AND DRUGS -- PLASTIC RECYCLING AND LITTER ACT

1 This act would create a voluntary program available at no charge to caterers, mobile food
2 vendors and restaurants for the reduction of plastic and other food service disposable waste and the
3 resulting cost savings. Upon successful completion of the program, the business would receive a
4 certificate from the department of environmental management for presentation to the division of
5 taxation entitling the business to a two (2) year exemption from the payment for a litter control
6 participation permit.

7 This act would take effect upon passage.

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