

2022 -- H 7065 SUBSTITUTE A

LC003347/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO HEALTH AND SAFETY -- PLASTIC WASTE REDUCTION ACT

Introduced By: Representatives McEntee, Cortvriend, Speakman, Donovan, Carson, Caldwell, Craven, Morales, Kislak, and Ruggiero

Date Introduced: January 12, 2022

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 19.18

4 PLASTIC WASTE REDUCTION ACT

5 **23-19.18-1. Plastic waste reduction act. - Findings.**

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

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

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

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

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

19 **23-19.18-2. Definitions.**

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

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

3 (2) "Recyclable cardboard box" means a box made of non-waxed cardboard or paper
4 products.

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

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

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

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

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

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

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

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

29 (iv) Newspaper bags for home newspaper delivery;

30 (v) Door-hanger bags;

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

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

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

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

3 **23-19.18-3. Prohibition on single-use plastic bag distribution.**

4 (a) Retail sales establishments are prohibited from making available any bag that is not a
5 reusable bag or recyclable paper bag, as defined by this chapter. Recyclable cardboard boxes, as
6 defined in this chapter, may also be made available. This prohibition precludes providing any
7 single-use plastic checkout bag or any paper checkout bag that is not a recyclable paper bag or a
8 paper carryout bag at restaurants.

9 (b) Retail sales establishments and other entities that make deliveries of goods from retail
10 sales establishments to customers are prohibited from delivering goods to customers in single-use
11 plastic checkout bags and may deliver goods in recyclable paper bags, reusable bags, or recyclable
12 cardboard boxes as defined by this chapter.

13 (c) To further promote the use of reusable shopping bags and reduce the quantity of single-
14 use carryout bags entering the waste stream, retailers are authorized and encouraged to make
15 reusable carryout bags available to the public, assisting financially impacted households to the
16 greatest degree possible.

17 **23-19.18-4. Enforcement and penalty.**

18 (a) Responsibility and jurisdiction for enforcement shall be with municipalities and the
19 department.

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

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

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

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

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

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

29 **23-19.18-5. Uniformity.**

30 (a) This chapter is a matter of statewide interest and concern and is applicable uniformly
31 throughout the state. Accordingly, this chapter occupies the whole field of regulation of reusable
32 bags, single-use bags, and recyclable paper bags, as defined in this chapter, provided by a retail
33 sales establishment, as defined in § 23-19.18-2, and shall supersede any and all state and local laws,
34 regulations, and ordinances in this field.

1 **23-19.18-6. Rules and regulations.**

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

4 SECTION 2. This act shall take effect within one year from the date of promulgation of
5 regulations by the department as authorized by this chapter, or on January 1, 2024, whichever
6 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 for
3 violations.

4 This act would take effect within one year from the date of promulgation of regulations by
5 the department as authorized by this chapter, or on January 1, 2024, whichever occurs first.

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