

1 The term "plastic checkout bag" does not include the following types of bags which are
2 excluded from the ban and may continue in use:

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

5 (ii) Bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, or
6 other items to contain dampness;

7 (iii) Bags provided by pharmacists to contain prescription medications;

8 (iv) Newspaper bags for home newspaper delivery;

9 (v) Door-hanger bags;

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

12 (vii) Bags sold in packages containing multiple bags intended for use as garbage, pet
13 waste, or yard waste bags;

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

15 (ix) Bags used to transport chemical pesticides, drain-cleaning chemicals, or other caustic
16 chemicals sold at the retail level; provided that this exemption shall be limited to one bag per
17 customer;

18 (x) Compostable plastic bags.

19 (6) "Retail sales establishment" means any enterprise whereby the sale or transfer to a
20 customer of goods in exchange for payment occurs in a retail store, flea market, or restaurant.
21 This meaning does not include sales of goods at farmers' markets, yard sales, tag sales, other sales
22 by residents at their homes, or sales by nonprofit organizations.

23 (7) "Small retail sales establishment" means a retail sales establishment with less than
24 five million dollars (\$5,000,000) in annual gross retail sales volume.

25 **23-19.17-2. Plastic waste reduction.**

26 (a) Effective January 1, 2021, large retail sales establishments are prohibited from
27 making available any plastic checkout bag;

28 (b) Effective January 1, 2021, no retail sales establishment, including large retail sales
29 establishments and small retail sales establishments, shall make available any expanded
30 polystyrene disposable food container at the point of sale.

31 **23-19.17-3. Paper bag fee requirements.**

32 (a) For each paper bag provided to a customer, the retail sales establishment may collect
33 from customers, at the time of purchase, a paper bag fee of up to twenty-five cents (\$0.25).

34 (b) A retail sales establishment which collects a paper bag fee shall exempt a customer

1 from the paper bag fee when that customer uses an electronic benefits transfer (EBT) card or is
2 using a payment card or voucher issued by the state for the Supplemental Nutrition Assistance
3 Program (SNAP) or Special Supplemental Nutrition Program for Women, Infants, and Children
4 (WIC).

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

7 **23-19.17-4. Enforcement penalty.**

8 (a) This chapter shall be implemented, administered and enforced by the municipal police
9 departments, or any other department or division designated by their mayors or town managers.

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

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

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

19 **23-19.17-5. Ordinances.**

20 Municipalities are authorized to enact ordinances necessary to implement the purposes of
21 this chapter.

22 **23-19.17-6. Opt out election.**

23 A municipality may opt out of the provisions of this chapter by resolution of their
24 governing body or local ballot referendum any time prior to the effective date of this chapter.

25 SECTION 2. This act shall take effect on January 1, 2021.

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LC004162
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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 prohibit large retail sales establishments from providing plastic checkout
2 bags and all retail establishments from providing expanded polystyrene disposable food
3 containers enforced by municipal police departments or other municipal designees with an opt out
4 provision.

5 This act would take effect on January 1, 2021.

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