

Senator Aument's Senator for a Day Plastic Grocery Bag Fee Reference Articles:



State Plastic and Paper Bag Legislation

7/5/2017

States continue to consider strategies to reduce the use of carryout plastic bags from grocery stores and other retail outlets.

Regulating bags can mitigate harmful impacts to oceans, rivers, lakes, forests and the wildlife that inhabit them. Reducing bag use can also relieve pressure on landfills and waste management.

While some states are focusing on implementing effective recycling programs, others are attempting to impose bans or fees to discourage the use of plastic bags altogether.

Bans and Fees

In August 2014, California became the first state to enact legislation imposing a statewide ban on single-use plastic bags at large retail stores. The bill also required a 10 cent minimum charge for recycled paper bags, reusable plastic bags, and compostable bags at certain locations. The ban was supposed to take effect on July 1, 2015, but a referendum forced the issues onto the ballot for November 2016. Proposition 67 passed with 52 percent of the vote, meaning the plastic bag ban approved by the Legislature two years ago will remain. A detailed summary of the law can be found below. Voters also rejected a second measure, Proposition 65, which proposed to create an environmental fund with proceeds from a 10 cent charge for alternative bags.

Hawaii has a de facto statewide ban as all of its most populous counties prohibit non-biodegradable plastic bags at checkout, as well as paper bags containing less than 40 percent recycled material. Bans in Kauai, Maui and Hawaii counties took effect between 2011 and 2013, with Honolulu becoming the last major county to approve the ban in 2015.

In 2009, the District of Columbia enacted a law to ban the distribution of disposable, non-recyclable plastic carry-out bags and set a fee of five cents for distribution of all other disposable bags.

NOTABLE CITIES/COUNTIES WITH PLASTIC BAG BANS AND FEES

Cities with Plastic Bag Bans

- [Austin](#)
- [Cambridge, Mass.](#)
- [Chicago](#)
- [Los Angeles](#)
- [San Francisco](#)
- [Seattle](#)

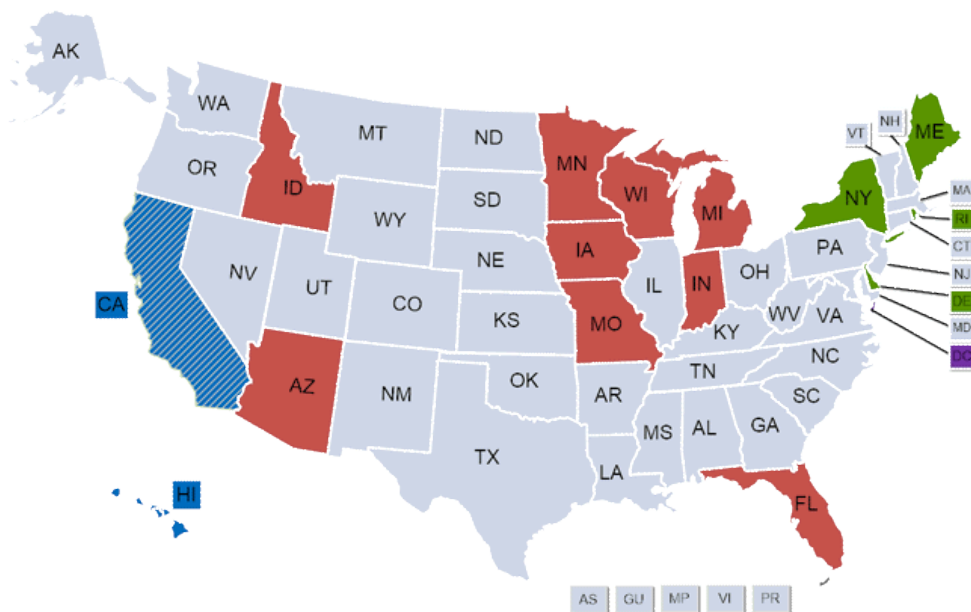
Cities/Counties with Plastic Bag Fees

- [Boulder, Colo.](#)
- [Brownsville, Texas](#)
- [Montgomery County, Md.](#)
- [New York, N.Y.](#)
- [Portland, Maine](#)
- [Washington D.C.](#)

2015-2016 Legislative Summary

Between 2015 and 2016 at least 77 bills have been proposed by 23 states regarding the regulation of plastic bags in retail settings. Only three states—Arizona, Idaho, and Missouri—have enacted legislation this year, all of which preempt local governments from regulating the sale or use of plastic bags, including the imposition of any fees or taxes (see tables below).

States with Enacted Plastic Bag Legislation



LEGEND	
■	Bans *HI has a de facto statewide ban
■	Fees or Taxes
■	Labeling, Recycling or Reuse Programs
▨	CA has both a ban and labeling, recycling or reuse programs
■	Preemption

Recycling Programs and Requirements

States have a long history of pursuing legislation related to labeling, recycling, and reusing plastic bags. In 1991, Maine became the first state to enact legislation requiring recycling efforts at retail stores. The statute prevents retailers from supplying plastic bags unless they provide a convenient storefront receptacle to ensure used bags are collected and recycled. Since then at least four other states—California, Delaware, New York and Rhode Island— and the District of Columbia have followed suit.

In 2006 and 2009 respectively, California and Delaware passed legislation that requires retail stores to adopt at-store recycling programs. Their similar legislation encourages the use of reusable bags, requires stores to provide an opportunity for their customers to return plastic bags and requires that plastic carry-out bags display a recycling message.

Illinois is the only state that adopted legislation regarding recycling programs in 2016. The house passed a resolution that established "Recycle Thin Film Friday" as an effort to reclaim used thin-film plastic bags and to encourage consumers to use reusable bags.

ENACTED PLASTIC BAG STATE LEGISLATION

State	Citation	Status	Summary
Arizona	2015 Ariz. Sess. Laws, Chap. 271 (2015 SB 1241)	*Enacted	Prevents a city, town or county from regulating the sale, use or disposition of plastic bags and other "auxiliary containers" by an owner, operator or tenant of a business, commercial building or multifamily housing property. The law does not prevent a city, town or county from continuing a voluntary recycling and waste reduction program.
California	2014 SB 270	Put to Referendum	As of July 1, 2015 certain large stores are prohibited from providing a single-use plastic carryout bag to a customer, unless the retailer makes that bag available for \$0.10 and certain conditions are met.
California	2011 CA S 567	Enacted	Prohibits the sale of plastic products labeled as compostable, home compostable, or marine degradable unless it meets standard specifications. Provides for a civil penalty for a violation.
California	Cal. [Public Resources] Code § 42357.5 (2010 SB 228)	Enacted	Requires manufacturers of compostable plastic bags to ensure that the bag is readily and easily identifiable from other bags. Prohibits a compostable plastic bag sold in the

			state from displaying a chasing arrow resin identification code or recycling symbol in any form.
California	<u>2006 AB 2449</u>	Enacted	Retail stores must adopt an at-store recycling program. Plastic bags used at retailers must have clearly printed "Please Return to a Participating Store for Recycling" on the bag.
Delaware	<u>2009 HB 15</u> ; Amended by <u>2014 HB 198</u>	Enacted	Encourages the use of reusable bags by consumers and retailers. Requires a store to establish an at-store recycling program that provides an opportunity for customers of the store to return plastic bags and requires all plastic carryout bags to display a recycling message.
District of Columbia	<u>2010 B 150</u>	Enacted	Protects the aquatic and environmental assets of the District of Columbia, bans the use of disposable non-recyclable plastic carryout bags, establishes a fee on all other disposable carryout bags provided by certain retail stores, and establishes the recurring Anacostia River Cleanup and Protection Fund.
Idaho*	<u>2016 HB 372</u>	*Enacted	States that any regulation regarding the use, disposition or sale of plastic bags or other "auxiliary containers" shall be imposed only by a statute enacted by the legislature.
Illinois	<u>2016 HR 1139</u>	Adopted	Establishes "Recycle Thin Film Friday" in the State of Illinois as an effort to reclaim used thin-film plastic bags and to encourage consumers to use reusable bags.
Maine	2010 SB 131	Enacted	Convenes a work group, through a partnership with state agencies and other appropriate entities, to work towards a viable solution to the checkout bag issue to achieve environmental benefits, maintain financial viability for manufacturers and retailers and avoid cost impacts, provides for a report to the legislature.
Maine	<u>1991 LD 1166</u>	Enacted	Retailers may only provide customers with plastic bags if there is a receptacle to collect used plastic bags within 20 feet of the entrance and all plastic bags collected are then recycled.
Missouri	<u>2015 HB 722</u>	*Enacted	Provides all merchants doing business in the state with the option to provide either paper or plastic bags. Prevents

			localities from imposing a ban, fee, or tax upon the use of either paper or plastic bags.
New York	<u>2008 AB 11725</u>	Enacted	Plastic Bag Reduction, Reuse and Recycling Act; retailers of stores are to establish in-store recycling programs that provide an opportunity for the customer to return clean plastic bags to be recycled. The plastic carryout bags provided by the store must have printed on them "Please Return to a Participating Store for Recycling."
North Carolina	<u>2010 SB 1018</u>	Enacted	Reduces plastic and non-recycled paper bag use on North Carolina's Outer Banks. A retailer subject to certain provisions shall display a sign in a location viewable by customers saying "[county name] County discourages the use of single-use plastic and paper bags to protect our environment from excess litter and greenhouse gases. We would appreciate our customers using reusable bags, but if you are not able to, a 100% recycled paper bag will be furnished for your use."
Rhode Island	<u>2008 SB 2565</u>	Enacted	This legislation promotes the use of paper bags by retailers. Retail establishments must offer the use of a paper bags to the consumer. Every retail establishment that provides customers with plastic bags must provide conveniently located receptacles where customers can return their clean and dry plastic bags to be recycled. Failure to comply with these laws is punishable with fines up to \$500.

*(Pre-emption bills denoted with *)

2015-2016 PENDING STATE LEGISLATION SUMMARIES

State	Bill Number	Status	Summary
Delaware	<u>HB 202</u>	Pending – Carryover	Requires stores to charge five cents for every single-use carryout bag that is provided to customers. Establishes reporting requirements to track fees that are charged and distribution of bags. Expands existing at-store recycling program.

Hawaii	<u>HB 1507</u>	Pending – Carryover	Convenes a working group to study methods of reducing use of single-use plastic bags and non-recyclable paper bags. Though all of Hawaii’s counties have enacted bag bans, differences exist between them.
Illinois	<u>SB 2224</u>	Pending	Creates the Plastic Bag and Film Recycling Act. Requires manufacturers of plastic carryout bags to register with the Illinois Environmental Protection Agency and pay to the Agency an initial registration fee and annual registration renewal fee.
Illinois	<u>HB 4202</u>	Pending – Carryover	Creates the Plastic Bag and Film Recycling Act. Requires manufacturers of plastic carryout bags to register with the Illinois Environmental Protection Agency and pay to the Agency an initial registration fee and annual registration renewal fee. (similar legislation to IL <u>SB 2224</u>)
Massachusetts	<u>HB 4168</u>	Pending	Beginning Aug. 1, 2018 stores may no longer provide single-use carryout bags to customers at point of sale. Reusable bags, recycled paper bags and compostable plastic bags may be sold for a minimum of 10 cents each.
Massachusetts	<u>HB 739</u>	Pending – Carryover	Prohibits retail stores from distributing plastic carryout bags at the point of sale. Retailers who provide carryout bags must use recycled paper bags.
Massachusetts	<u>HB 1501</u>	Pending – Study Order	Requires every store to pay to the Commissioner of Revenue an excise of two cents per plastic bag provided to customers during the tax year—50 percent returned to store; 50 percent retained by the Commonwealth.
Massachusetts	<u>SB 434</u>	Pending – Carryover	Requires the Department of Environmental Protection to promulgate regulations to prohibit the use of plastic carryout bags by 2019.
Massachusetts	<u>SB 2286</u>	Pending	Prohibits a vendor at a farmers market from providing a single-use carryout bag to a customer. Makes exceptions for bags without handles provided to protect items from damage, contamination or to contain an unwrapped food item.

Massachusetts	<u>SB</u> <u>2305</u>	Pending	Refers to the “Plastic Bag Reduction Act”, which states that no store shall provide a single-use carryout bag to a customer at the point of sale.
New Jersey	<u>AB</u> <u>2396</u>	Pending	Provides for the decrease and eventual ban on use of non-compostable plastic grocery bags.
New Jersey	<u>AB</u> <u>3671</u> / <u>SB</u> <u>2349</u>	Pending	Beginning June 1, 2017, store operators must charge a five-cent fee for each single-use carryout bag provided to the customer. Exemptions: customers 65 years of age or older and individuals enrolled in SNAP, WIC or the Work First New Jersey program. Dedicates revenue from the fee to the Health Schools and Community Lead Abatement Fund.
New York	<u>AB</u> <u>1991</u> / <u>SB</u> <u>703</u>	Pending – Carryover	Creates the “Pennies for Park” program to provide funds for capital expenditures at state parks and historic sites. Imposes a one cent fee on single-use plastic carryout bags.
New York	<u>AB</u> <u>3636</u> / <u>SB</u> <u>4536</u>	Pending – Carryover	Prohibits grocery stores from providing plastic carryout bags requiring them to provide recyclable paper bags instead at no charge.
New York	<u>SB</u> <u>3098</u>	Pending – Carryover	Requires stores to charge five cents for each plastic bag provided to customers.
New York	<u>SB</u> <u>3329</u>	Pending – Carryover	Increases number of stores subject to the Plastic Bag Reduction, Reuse and Recycling Act.
New York	<u>AB</u> <u>5954</u>	Pending – Carryover	Requires greater number of stores in New York City to provide a recycling bin for plastic bags. Grants co-enforcement authority to the city over certain provisions of the law.
New York	<u>SB</u> <u>7336</u> / <u>AB</u> <u>9904</u>	*Pending	Prohibits the imposition and/or collection of any tax, fee or local charge on carry out merchandise bags.

New York	<u>SB 7085</u>	Pending	Improves access to plastic bag collection bins by moving the bin to the entrance of the store. Requires a sign be placed above the bin to clarify that many other types of plastic bags can be recycled at these locations and that the bin must be emptied regularly. (similar to <u>AB 10368</u>)
New York	<u>AB 10368</u>	Pending	Relates to certain recycling program requirements; requires regular emptying of the bins; requires that information already collected by retailers regarding recycled plastic is transmitted to the Department of Environmental Conservation; requires stores to maintain records of recycling of plastic bags and make such records available.
New York	<u>AB 8479</u>	Pending	Declares that there shall be a tax of five cents upon plastic and paper shopping bags used to transport every sale of tangible personal property by consumers.
Pennsylvania	<u>SB 540</u> / <u>HB 1431</u>	Pending – Carryover	Imposes a two-cent fee on each plastic bag supplied by retail establishment. A portion of the collected fees will be used for the improvement of recycling practices, education and compliance.
Pennsylvania	<u>HB 1280</u>	*Pending – Carryover	Prohibits the imposition of a ban, fee, or tax on the provisions of plastic bags at the point of sale.
Pennsylvania	<u>HB 1281</u>	Pending – Carryover	Establishes the Plastic Bag Recycling Advisory Board. Provides for a study and report.
Rhode Island	<u>SB 2527</u>	Pending	Prohibits retail sales establishments from making available plastic checkout bags, or plastic water bottles or expanded polystyrene disposable food containers at the point of sale.

<http://www.ncsl.org/research/environment-and-natural-resources/plastic-bag-legislation.aspx>



Ban the Bag? Why Plastic Bag Taxes and Bans Don't Always Work

BY LUCY BAYLY

Single-use plastic bags may soon be banned in the state of Massachusetts. As part of its budget debate, the state Senate approved a provision to ban the bag at all retail stores that are larger than 3,000 square feet or have at least three locations in the state. Although stores would still offer bags for customer use, the new bags must be "reusable" or made of recycled paper. Additionally, shoppers opting for those bags would be slapped with a 10-cent per-bag fee (plus taxes).

Massachusetts is the latest state to be swept up in the fervor of bag-banning in an effort to reduce the environmental impact of the sacks used at checkouts across America. But are the laws having an effect on the use of the bags that still seem to be, well, everywhere?

Earlier this month, New York City passed a controversial ordinance that imposes a five-cent fee on paper and plastic bags. The law, which will be signed by Mayor Bill de Blasio later this year, will go into

"For too long, plastic bags have clogged our storm drains, littered our green spaces, and tangled in our trees," said New York City Council Speaker Melissa Mark-Viverito, a key supporter of the New York City legislation, in a statement to NBC News after the city council voted to charge a nickel for single-use paper or plastic bags.

San Francisco was the first American city to pass a law banning single-use plastic bags, in 2007. Since then, more than 200 municipalities have implemented similar rules, with 20 million Americans currently living with some form of disposable bag law.

But the success of this kind of legislation is something of a mixed bag in and of itself.

"Don't they realize these consumers are going to have to go out and buy plastic bags?" John Hurst, president of the Retailers Association of Massachusetts, told the State House News Service after the ballots were cast on Thursday.

Detractors say that banning plastic bags simply shifts the issue elsewhere, and that adding a "plastic bag tax" ends up making grocery shopping even more unaffordable for poorer residents. SNAP and WIC recipients are not exempt from the tax, and "Ten cents a bag adds up quickly for families below the poverty line," said the Baptist Ministers of Greater New York in a statement opposing New York City's bag tax.

When local officials in the city of Austin, Texas, enacted a 2013 ban to rid the city of lightweight plastic bags, the result was that residents ended up using heavier-grade plastic bags, which are less biodegradable. Turns out that Austin's residents were buying (and discarding) trash can liners now that they weren't getting plastic bags for free.

In January 2015, after Dallas implemented a five-cent fee on plastic bags, plastic bag manufacturers banded together to sue the city, citing Texas state law that does not allow taxes on any form of container.

Lee Califf, executive director of the American Progressive Bag Alliance, [said the new ordinance would also have](#) “very real economic consequences for Dallas consumers and workers” and “threaten the livelihoods of the 4,500 Texans who work in the plastic bag manufacturing and recycling industry.”

Five short months after the ordinance went into effect, it was repealed. “We are in a lawsuit and I don’t think it’s one we can win,” city council member Adam Medrano [told the Dallas Morning News](#).

In Chicago, an attempt to ban single-use bags from chain stores has ended up confusing consumers and businesses alike — as well as the very politicians pushing the plan.

The ban, which goes into effect August 1, says stores must replace free single-use plastic bags with reusable plastic bags that are able to “carry at least 22 pounds over a distance of at least 175 feet 125 times.” Further muddling the issue, some retailers will charge for the bags, and some will not.

The single-use polyethylene bag dates back to 1962, but was only widely adopted in America in the early 1980s, when supermarket chains Safeway and Kroger switched from paper to plastic. That move caused an outcry at the time, as shoppers who were used to stacking paper bags neatly in rows in the back of their car grumbled about the slouchy plastic bags.

Gradually, plastic bags became the norm. Over one trillion plastic bags are used every year — or two million every minute — with 90 percent of those discarded after one use. And each bag can take up to 500

But starting in the late 1990s, the environmental impact of these flyaway bags could no longer be ignored, as the plastic filled the trees, littered city streets and beaches, and even created an entire continent — the Great Pacific Garbage Patch, a floating island of plastics trash that has been estimated to span almost eight million square miles, or twice the size of the United States.

“Disposable plastic bags are a marine debris menace of many faces,” said Ania Budziak, associate director of programs at [Project AWARE](#), a non-profit ocean protection organization. “Turtles and other animals eat them mistaking them for food,” she said.

In addition to their environmental impact, plastic bags cost American businesses up to \$4 billion every year.

“Disposable bags cost retailers a lot of money, and with their narrow profit margins and stiff competition it can be challenging for [stores] to act on their own, voluntarily,” said Julie Lawson of [Trash Free Maryland](#), a grassroots organization committed to reducing pollution in Maryland, where plastic bags comprise almost half the litter in that state’s waterways.

“The average plastic bag gets used for 12 minutes,” Lawson said. “It makes a lot of sense to use a reusable one.”

Some cities have seen a positive outcome after implementing bag boycotts. A 2009 bag tax in Washington, D.C., has so far resulted in a 50 percent decrease in single bag usage. In Los Angeles, the average grocery store went from using 2.2 million bags a year to using 125,000 a year, after the 10 cents-per-bag ordinance went into effect in 2011.

And in those places where no laws or bans are in place (yet), store owners are free to implement their own code of conduct.

“In 15 years of being in business I've never purchased plastic grocery bags,” said Laurie Spaeth of Pepacton Natural Foods, a natural and organic grocery store in New York's Catskill Mountains.

“People bring me bags of bags, and we send packaged groceries back out the door in them. Sometimes I can tell that they've gone out and come back to us several times, until they're well and truly shot. They're still plastic, still ultimately have to be landfilled, but we use them until they're beyond use.”

<https://www.nbcnews.com/business/business-news/ban-bag-why-plastic-bag-taxes-bans-don-t-always-n580926>