

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2198 Session of
2008

INTRODUCED BY BENNINGTON, LEACH, McILVAINE SMITH, M. O'BRIEN,
READSHAW, PETRONE, COHEN, FABRIZIO, HESS, JOSEPHS, KULA,
MAHONEY, McGEEHAN, MURT, PASHINSKI, SCHRODER, SIPTROTH AND
YOUNGBLOOD, JANUARY 28, 2008

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JANUARY 28, 2008

AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania
2 Consolidated Statutes, providing for limitations on the use
3 of plastic checkout bags by certain stores; and imposing a
4 penalty.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 27 of the Pennsylvania Consolidated
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 64

10 PLASTIC CHECKOUT BAGS

11 Sec.

12 6401. Legislative findings and purpose of chapter.

13 6402. Definitions.

14 6403. Limitations on use of checkout bags.

15 6404. At-store recycling program.

16 6405. Regulations.

17 6406. Penalties.

1 § 6401. Legislative findings and purpose of chapter.

2 (a) Findings.--The General Assembly finds as follows:

3 (1) On a global level, the production of plastic bags
4 has a significant environmental impact each year, including
5 the use of more than 12,000,000 barrels of oil and the deaths
6 of thousands of marine animals through ingestion and
7 entanglement.

8 (2) Each year an estimated 500,000,000,000 to
9 1,000,000,000,000 plastic bags are used worldwide, which is
10 more than 1,000,000 bags per minute, of which billions of
11 bags end up as litter each year.

12 (3) Most plastic checkout bags are not biodegradable,
13 which means that the bags break down into smaller and smaller
14 toxic bits that contaminate soil and waterways and enter into
15 the food web when animals accidentally ingest those
16 materials.

17 (b) Purpose of chapter.--It is the purpose of this chapter
18 to reduce the adverse environmental impact of plastic checkout
19 bags by limiting the availability of single-use plastic checkout
20 bags and encouraging the use of reusable bags.

21 § 6402. Definitions.

22 The following words and phrases when used in this chapter
23 shall have the meanings given to them in this section unless the
24 context clearly indicates otherwise:

25 "ASTM standard." The American Society for Testing Materials
26 International Standard D6400 for compostable plastics.

27 "Checkout bag." A carryout bag provided by a store to a
28 customer at the point of sale.

29 "Compostable plastic checkout bag." A plastic checkout bag
30 that conforms to the ASTM standard for compostable plastics as

1 confirmed by the Department of Environmental Protection.

2 "Department." The Department of Environmental Protection of
3 the Commonwealth.

4 "Reusable fabric checkout bag." A checkout bag made of cloth
5 or other machine washable fabric that has handles.

6 "Reusable plastic checkout bag." A durable plastic checkout
7 bag with handles, that is at least 2.25 mils thick and is
8 specifically designed and manufactured for repeated uses.

9 "Single-use plastic checkout bag." A plastic checkout bag
10 that does not meet the definition of a compostable plastic
11 checkout bag or a reusable plastic checkout bag.

12 "Store." A retail establishment that meets all of the
13 following:

14 (1) Is a full-line, self-service retail supermarket with
15 annual gross sales of \$1,000,000 or more and which sells a
16 line of dry groceries, canned goods or nonfood items and some
17 perishable items.

18 (2) Has more than 10,000 square feet of retail space.

19 § 6403. Limitations on use of checkout bags.

20 (a) Limitations.--

21 (1) Beginning January 1, 2011, no more than two-thirds
22 of checkout bags provided by a store for customer use may be
23 single-use plastic checkout bags.

24 (2) Beginning January 1, 2013, no more than one-third of
25 checkout bags provided by a store for customer use may be
26 single-use plastic checkout bags.

27 (3) Beginning January 1, 2015, a store shall not provide
28 single-use plastic checkout bags to customers.

29 (b) Other bags.--Nothing in this section shall preclude
30 stores from making compostable plastic checkout bags, reusable

plastic checkout bags, reusable fabric checkout bags or paper checkout bags available to customers.

§ 6404. At-store recycling program.

A store shall establish an at-store recycling program to provide an opportunity for a customer of the store to return to the store clean, single-use plastic checkout bags. An at-store recycling program shall including all of the following:

(1) A checkout bag collection bin shall be placed at each store and shall be visible, easily accessible to customers and clearly marked that the collection bin is available for the purpose of collecting and recycling single-use plastic checkout bags.

(2) The maintenance of records describing the collection, transport and recycling of single-use plastic checkout bags collected. The store shall maintain the records for a minimum of six years and shall make the records available to the department, upon request, to demonstrate compliance with this chapter.

(b) Expiration.--This section shall expire December 31, 2014.

§ 6405. Regulations.

The department may promulgate rules and regulations necessary to implement the provisions of this chapter.

§ 6406. Penalties.

(a) Imposition.--The department may impose a civil penalty in the amount of \$500 for a first violation of this chapter, \$1,000 for a second violation and \$2,000 for a third or subsequent violation.

(b) Payments.--Any civil penalty collected pursuant to subsection (a) shall be paid into the Recycling Fund.

1 Section 2. This act shall take effect as follows:

2 (1) The addition of 27 Pa.C.S. § 6404 shall take effect
3 in 180 days.

4 (2) The remainder of this act shall take effect
5 immediately.