
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1071 Session of
2017

INTRODUCED BY FARRY, HANNA, A. HARRIS, MILLARD, GODSHALL, BARRAR
AND GROVE, APRIL 7, 2017

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, APRIL 7, 2017

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in other subjects of taxation,
3 prohibiting bans, fees, surcharges and taxes on recyclable
4 plastic bags.

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

7 Section 1. Chapter 87 of Title 53 of the Pennsylvania
8 Consolidated Statutes is amended by adding a subchapter to read:

9 SUBCHAPTER D

10 PROHIBITING BANS, FEES, SURCHARGES OR

11 TAXES ON RECYCLABLE PLASTIC BAGS

12 Sec.

13 8731. Scope.

14 8732. Definitions.

15 8733. Prohibition.

16 8734. Regulations.

17 § 8731. Scope.

18 This subchapter relates to actions by political subdivisions
19 as to recyclable plastic bags.

1 § 8732. Definitions.

2 The following words and phrases when used in this subchapter
3 shall have the meanings given to them in this section unless the
4 context clearly indicates otherwise:

5 "Consumer good." A good that is sold at retail to a
6 purchaser for personal consumption or household use.

7 "Department." The Department of Revenue of the Commonwealth.

8 "Political subdivision." A county, city, borough,
9 incorporated town, township, school district, vocational school
10 district and county institution district. The term includes a
11 city of the first class, county of the first class and school
12 district of the first class.

13 "Recyclable plastic bag." A bag or pouch of flexible
14 packaging made of thin, flexible, plastic film that:

15 (1) can be marketed as "recyclable" pursuant to 16 CFR
16 260.12 (relating to recyclable claims);

17 (2) is designed and intended to be used for the carrying
18 of goods purchased at a retail establishment; and

19 (3) is provided to the purchaser by a retail
20 establishment at the point of sale.

21 The term does not include a reusable bag or pouch specifically
22 designed for multiple uses and that is made of cloth, fabric or
23 durable plastic.

24 "Retail establishment." An establishment that sells or
25 offers to sell consumer goods to the public at retail.

26 § 8733. Prohibition.

27 On and after the effective date of this section, no political
28 subdivision may impose a ban, fee, surcharge or tax on a
29 recyclable plastic bag supplied by a retail establishment to a
30 purchaser of consumer goods at the point of sale in this

1 Commonwealth.

2 § 8734. Regulations.

3 The department shall promulgate rules and regulations
4 necessary to administer and enforce this subchapter.

5 Section 2. This act shall take effect in 60 days.