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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1120 Session of  
2017

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INTRODUCED BY SIMS, O'BRIEN, McNEILL, MADDEN AND DONATUCCI,  
APRIL 10, 2017

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REFERRED TO COMMITTEE ON FINANCE, APRIL 10, 2017

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AN ACT

1 Amending the act of March 4, 1971 (P.L.6, No.2), entitled "An  
2 act relating to tax reform and State taxation by codifying  
3 and enumerating certain subjects of taxation and imposing  
4 taxes thereon; providing procedures for the payment,  
5 collection, administration and enforcement thereof; providing  
6 for tax credits in certain cases; conferring powers and  
7 imposing duties upon the Department of Revenue, certain  
8 employers, fiduciaries, individuals, persons, corporations  
9 and other entities; prescribing crimes, offenses and  
10 penalties," providing for a plastic bag fee.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 Section 1. The act of March 4, 1971 (P.L.6, No.2), known as  
14 the Tax Reform Code of 1971, is amended by adding an article to  
15 read:

16 ARTICLE II-C

17 PLASTIC BAG FEE

18 Section 201-C. Scope of article.

19 This article provides for a fee on the provision of plastic  
20 bags at the point of sale of consumer goods.

21 Section 202-C. Definitions.

22 The following words and phrases when used in this article

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

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

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

6 "Plastic bag." A bag or pouch of flexible packaging made of  
7 thin, flexible, plastic film that is designed and intended to be  
8 used for the carrying of goods purchased at a retail  
9 establishment and that is provided to the consumer by the retail  
10 establishment at the point of sale. The term does not include:

11 (1) A reusable bag or pouch specifically designed for  
12 multiple use and that is made of cloth, fabric or durable  
13 plastic of at least 2.25 mils.

14 (2) A bag or pouch to carry or bundle produce for  
15 delivery to the point of sale at a retail establishment.

16 (3) A bag or pouch made of compostable material that  
17 meets the ASTM D6400 standard for compostable plastic.

18 "Retail establishment." An establishment that sells or  
19 offers to sell at retail consumer goods to the public and that  
20 has gross sales of consumer goods in excess of \$1,000,000 during  
21 the previous tax year.

22 Section 203-C. Imposition of fee.

23 There is imposed on each plastic bag supplied by a retail  
24 establishment to a purchaser of consumer goods at the point of  
25 sale a fee of 2¢.

26 Section 204-C. Collection and enforcement.

27 The fee imposed in this article shall be collected by the  
28 department in the same manner as the sales and use tax imposed  
29 under Article II, and the provisions of Article II for the  
30 enforcement of the sales and use tax shall apply to the fee

1 imposed under this article.

2 Section 205-C. Deposit of fee.

3 The fee collected under this article shall be deposited into  
4 a restricted account in the General Fund, which account shall be  
5 used as follows:

6 (1) Fifty percent of the fee collected from a retail  
7 establishment shall be paid as a grant to the retail  
8 establishment, provided that the retail establishment enters  
9 into an agreement with the department that the grant money  
10 will be used for the improvement of recycling practices,  
11 education and compliance with the provisions of this article  
12 by the retail establishment.

13 (2) The balance of the account shall be used by the  
14 Commonwealth for recycling programs authorized by law.

15 Section 206-C. Regulations.

16 The department shall promulgate regulations necessary to  
17 administer this article.

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