



# State Plastic and Paper Bag Legislation

11/11/2016

## Fees, Taxes and Bans | Recycling and Reuse

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



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

While some states are focusing on implementing effective recycling programs, 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. The bill also required a 10 cent minimum charge for recycled paper bags, reusable plastic bags, and compostable bags at certain locations. The ban went into 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 law 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, 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 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 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 distributing disposable bags.

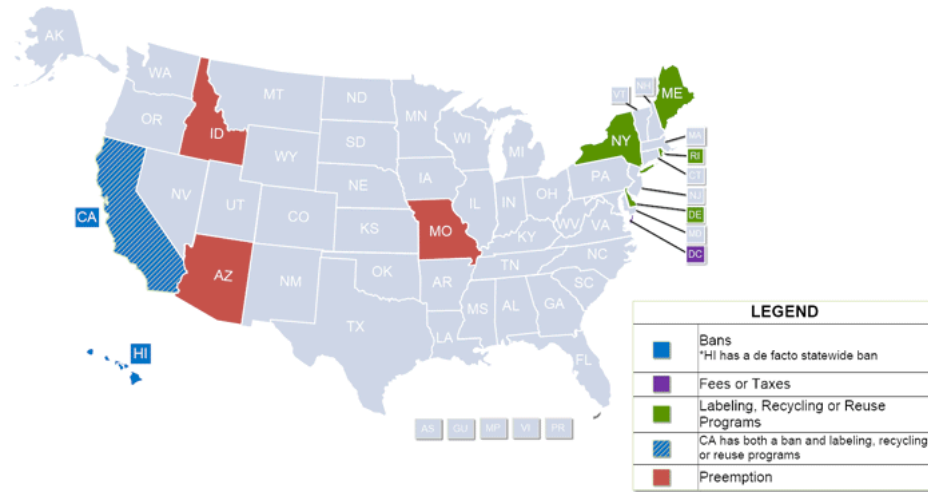
## NOTABLE CITIES/COUNTIES WITH PLASTIC BAG BANS AND FEES

Cities with Plastic Bag Bans	Cities/Counties with Plastic Bag Fees
<ul style="list-style-type: none"> <li>▪ <a href="#">Austin</a></li> <li>▪ <a href="#">Cambridge, Mass.</a></li> <li>▪ <a href="#">Chicago</a></li> <li>▪ <a href="#">Los Angeles</a></li> <li>▪ <a href="#">San Francisco</a></li> <li>▪ <a href="#">Seattle</a></li> </ul>	<ul style="list-style-type: none"> <li>▪ <a href="#">Boulder, Colo.</a></li> <li>▪ <a href="#">Brownsville, Texas</a></li> <li>▪ <a href="#">Montgomery County, Md.</a></li> <li>▪ <a href="#">New York, N.Y.</a></li> <li>▪ <a href="#">Portland, Maine</a></li> <li>▪ <a href="#">Washington D.C.</a></li> </ul>

## 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 enacting their own laws on the use of plastic bags, including the imposition of any fees or taxes (see tables below).

## States with Enacted Plastic Bag Legislation



## Recycling Programs and Requirements

States have a long history of pursuing legislation related to labeling, recycling, and reusing plastic bags. It became the first state to enact legislation requiring recycling efforts at retail stores. The statute prevents resupplying 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 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 and established "Recycle Thin Film Friday" as an effort to reclaim used thin-film plastic bags and to encourage use of reusable bags.

### ENACTED PLASTIC BAG STATE LEGISLATION

State	Citation	Status	Summary
<b>Arizona</b>	2015 Ariz. Sess. Laws, Chap. 271 (2015 SB 1241)	*Enacted	Prevents a city, town or county from regulating the sale, use or disposal of plastic bags and other "auxiliary containers" by an owner, operator of a business, commercial building or multifamily housing property. The statute also prevents a city, town or county from continuing a voluntary recycling reduction program.

State	Citation	Status	Summary
California	<a href="#">2014 SB 270</a>	Put to Referendum	As of July 1, 2015 certain large stores are prohibited from providing plastic carryout bag to a customer, unless the retailer makes that bag \$0.10 and certain conditions are met.
California	<a href="#">2011 CA S 567</a>	Enacted	Prohibits the sale of plastic products labeled as compostable, home or marine degradable unless it meets standard specifications. Provides penalty for a violation.
California	Cal. [Public Resources] Code § 42357.5  <a href="#">(2010 SB 228)</a>	Enacted	Requires manufacturers of compostable plastic bags to ensure that they are readily and easily identifiable from other bags. Prohibits a compostable bag sold in the state from displaying a chasing arrow resin identification recycling symbol in any form.
California	<a href="#">2006 AB 2449</a>	Enacted	Retail stores must adopt an at-store recycling program. Plastic bag retailers must have clearly printed "Please Return to a Participating Recycling" on the bag.
Delaware	<a href="#">2009 HB 15</a> ; Amended by <a href="#">2014 HB 198</a>	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 bags to display a recycling message.
District of Columbia	<a href="#">2010 B 150</a>	Enacted	Protects the aquatic and environmental assets of the District of Columbia by prohibiting the use of disposable non-recyclable plastic carryout bags, establishes rules for all other disposable carryout bags provided by certain retail stores, establishes the recurring Anacostia River Cleanup and Protection Fund.
Idaho*	<a href="#">2016 HB 372</a>	*Enacted	States that any regulation regarding the use, disposition or sale of plastic or other "auxiliary containers" shall be imposed only by a statute enacted by the legislature.
Illinois	<a href="#">2016 HR 1139</a>	Adopted	Establishes "Recycle Thin Film Friday" in the State of Illinois as an annual event to reclaim used thin-film plastic bags and to encourage consumers to reuse plastic bags.
Maine	2010 SB 131	Enacted	Convenes a work group, through a partnership with state agencies and appropriate entities, to work towards a viable solution to the challenge of how to achieve environmental benefits, maintain financial viability for manufacturers and retailers and avoid cost impacts, provides for a report to the legislature.

State	Citation	Status	Summary
<b>Maine</b>	<a href="#">1991 LD 1166</a>	Enacted	Retailers may only provide customers with plastic bags if there is a collect used plastic bags within 20 feet of the entrance and all plastic collected are then recycled.
<b>Missouri</b>	<a href="#">2015 HB 722</a>	*Enacted	Provides all merchants doing business in the state with the option to either paper or plastic bags. Prevents localities from imposing a ban upon the use of either paper or plastic bags.
<b>New York</b>	<a href="#">2008 AB 11725</a>	Enacted	Plastic Bag Reduction, Reuse and Recycling Act; retailers of stores establish in-store recycling programs that provide an opportunity for to return clean plastic bags to be recycled. The plastic carryout bag the store must have printed on them "Please Return to a Participati Recycling."
<b>North Carolina</b>	<a href="#">2010 SB 1018</a>	Enacted	Reduces plastic and non-recycled paper bag use on North Carolina Banks. A retailer subject to certain provisions shall display a sign in viewable by customers saying "[county name] County discourages single-use plastic and paper bags to protect our environment from and greenhouse gases. We would appreciate our customers using but if you are not able to, a 100% recycled paper bag will be furnish use."
<b>Rhode Island</b>	<a href="#">2008 SB 2565</a>	Enacted	This legislation promotes the use of paper bags by retailers. Retailer must offer the use of a paper bags to the consumer. Every retail est that provides customers with plastic bags must provide convenient receptacles where customers can return their clean and dry plastic recycled. Failure to comply with these laws is punishable with fines

\*(Pre-emption bills denoted with \*)

## 2015-2016 PENDING STATE LEGISLATION SUMMARIES

State	Bill Number	Status	Summary
<b>Delaware</b>	<a href="#">HB 202</a>	Pending – Carryover	Requires stores to charge five cents for every single-use carryout bag provided to customers. Establishes reporting requirements to track charged and distribution of bags. Expands existing at-store recycling
<b>Hawaii</b>	<a href="#">HB 1507</a>	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 enacted bag bans, differences exist between them.

State	Bill Number	Status	Summary
Illinois	<a href="#">SB 2224</a>	Pending	Creates the Plastic Bag and Film Recycling Act. Requires manufac plastic carryout bags to register with the Illinois Environmental Prot and pay to the Agency an initial registration fee and annual registra fee.
Illinois	<a href="#">HB 4202</a>	Pending – Carryover	Creates the Plastic Bag and Film Recycling Act. Requires manufac plastic carryout bags to register with the Illinois Environmental Prot and pay to the Agency an initial registration fee and annual registra fee. (similar legislation to IL <a href="#">SB 2224</a> )
Massachusetts	<a href="#">HB 4168</a>	Pending	Beginning Aug. 1, 2018 stores may no longer provide single-use ca customers at point of sale. Reusable bags, recycled paper bags an plastic bags may be sold for a minimum of 10 cents each.
Massachusetts	<a href="#">HB 739</a>	Pending – Carryover	Prohibits retail stores from distributing plastic carryout bags at the p Retailers who provide carryout bags must use recycled paper bags
Massachusetts	<a href="#">HB 1501</a>	Pending – Study Order	Requires every store to pay to the Commissioner of Revenue an e cents per plastic bag provided to customers during the tax year—5 returned to store; 50 percent retained by the Commonwealth.
Massachusetts	<a href="#">SB 434</a>	Pending – Carryover	Requires the Department of Environmental Protection to promulgal to prohibit the use of plastic carryout bags by 2019.
Massachusetts	<a href="#">SB 2286</a>	Pending	Prohibits a vendor at a farmers market from providing a single-use to a customer. Makes exceptions for bags without handles provide items from damage, contamination or to contain an unwrapped foo
Massachusetts	<a href="#">SB 2305</a>	Pending	Refers to the “Plastic Bag Reduction Act”, which states that no stor a single-use carryout bag to a customer at the point of sale.
New Jersey	<a href="#">AB 2396</a>	Pending	Provides for the decrease and eventual ban on use of non-compos grocery bags.
New Jersey	<a href="#">AB 3671 / SB 2349</a>	Pending	Beginning June 1, 2017, store operators must charge a five-cent fe single-use carryout bag provided to the customer. Exemptions: cus years of age or older and individuals enrolled in SNAP, WIC or the New Jersey program. Dedicates revenue from the fee to the Health Community Lead Abatement Fund.

State	Bill Number	Status	Summary
New York	<a href="#">AB 1991</a> / <a href="#">SB 703</a>	Pending – Carryover	Creates the “Pennies for Park” program to provide funds for capital at state parks and historic sites. Imposes a one cent fee on single-use carryout bags.
New York	<a href="#">AB 3636</a> / <a href="#">SB 4536</a>	Pending – Carryover	Prohibits grocery stores from providing plastic carryout bags require provide recyclable paper bags instead at no charge.
New York	<a href="#">SB 3098</a>	Pending – Carryover	Requires stores to charge five cents for each plastic bag provided to customers.
New York	<a href="#">SB 3329</a>	Pending – Carryover	Increases number of stores subject to the Plastic Bag Reduction, Fee and Recycling Act.
New York	<a href="#">AB 5954</a>	Pending – Carryover	Requires greater number of stores in New York City to provide a reusable plastic bags. Grants co-enforcement authority to the city over certain the law.
New York	<a href="#">SB 7336</a> / <a href="#">AB 9904</a>	*Pending	Prohibits the imposition and/or collection of any tax, fee or local charge on carryout merchandise bags.
New York	<a href="#">SB 7085</a>	Pending	Improves access to plastic bag collection bins by moving the bin to outside of the store. Requires a sign be placed above the bin to clarify that types of plastic bags can be recycled at these locations and that they be emptied regularly. (similar to <a href="#">AB 10368</a> )
New York	<a href="#">AB 10368</a>	Pending	Relates to certain recycling program requirements; requires regular cleaning 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 records available.
New York	<a href="#">AB 8479</a>	Pending	Declares that there shall be a tax of five cents upon plastic and paper bags used to transport every sale of tangible personal property by a retailer.

State	Bill Number	Status	Summary
Pennsylvania	<a href="#">SB 540</a> <a href="#">/ HB 1431</a>	Pending – Carryover	Imposes a two-cent fee on each plastic bag supplied by retail establishments. A portion of the collected fees will be used for the improvement of recycling practices, education and compliance.
Pennsylvania	<a href="#">HB 1280</a>	*Pending – Carryover	Prohibits the imposition of a ban, fee, or tax on the provisions of plastic bags at the point of sale.
Pennsylvania	<a href="#">HB 1281</a>	Pending – Carryover	Establishes the Plastic Bag Recycling Advisory Board. Provides for an annual report.
Rhode Island	<a href="#">SB 2527</a>	Pending	Prohibits retail sales establishments from making available plastic cups or plastic water bottles or expanded polystyrene disposable food containers at the point of sale.

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