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Act No. 69 (S.113). Conservation and land development; solid waste; single-use products; carryout bags

An act relating to the management of single-use products

This act enacts multiple requirements for single-use products provided by a store or food establishment that go into effect July 1, 2020. A store or food establishment is prohibited from providing single-use plastic carryout bags. A “single-use plastic carryout bag” is a carryout bag that is made of plastic, is a single-use product, and is not a reusable grocery bag. A carryout bag is a bag provided by a store or food service establishment at the point of sale to transport groceries or retail goods. A carryout bag does not include: paper bags with a basis weight of 30 pounds or less; pharmacy bags for prescription medication; bags used inside a store to package loose items, frozen foods, meat, fish, or flowers; or dry cleaning bags.

A store or food service establishment may provide a consumer a recyclable paper carryout bag at the point of sale if the bag is provided for a charge of not less than \$0.10 per bag. The monies collected are retained by the store or food service establishment. A recyclable paper carryout bag is defined as a carryout bag that is made of paper and is recyclable.

The act prohibits a food service establishment from selling or providing a single-use plastic straw to a customer, except upon request of a person. Hospitals, nursing homes, residential care homes, assisted living homes, and independent living facilities are exempt. The Public Accommodation Act still applies if a person needs a straw to accommodate a disability or medical condition. The act also prohibits a food service establishment from providing a single-use plastic stirrer to a customer.

A person shall not sell an expanded polystyrene food service product in the State. A store or food service establishment shall not provide food or beverages in expanded polystyrene food service products. An “expanded polystyrene food service product” is a product made of expanded polystyrene that is used to sell or provide food or beverages to be used once for eating or drinking or is generally recognized as an item to be discarded after one use. Several uses are exempt, and a person may store or package a food or beverage in an expanded polystyrene food service product for distribution out of State.

A person, store, or food service establishment that violates any of the prohibitions established under the act is subject to a civil penalty. A store or food

service may provide a carryout bag, single-use plastic straw, single-use stirrer, or expanded polystyrene food service product purchased prior to May 15, 2019 if the product is provided to a consumer on or before July 1, 2021. The act preempts municipal law that regulates single-use plastic carryout bags; single-use, recyclable paper carryout bags; single-use plastic straws; single-use plastic stirrers; and expanded polystyrene food service products.

The act creates the Single-Use Products Working Group to evaluate current State and municipal requirements for management of unwanted single-use products and recommend to the General Assembly how to improve statewide management of single-use products, divert single-use products from landfills, and prevent contamination by discarded single-use products.

Multiple effective dates, beginning on June 17, 2019