

2017 -- H 5538

LC000717

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO HEALTH AND SAFETY - PLASTIC WASTE REDUCTION

Introduced By: Representatives Winfield, and Carson

Date Introduced: February 16, 2017

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby  
2 amended by adding thereto the following chapter:

3 CHAPTER 19.17

4 PLASTIC WASTE REDUCTION ACT

5 **23-19.17-1. Short title.**

6 This chapter shall be known and may be cited as the "Plastic Waste Reduction Act".

7 **23-19.17-2. Legislative findings.**

8 It is hereby found and declared as follows:

9 With Narragansett Bay, hundreds of miles of coastline, dozens of islands, and hundreds  
10 of bodies of water including rivers, ponds, and lakes, Rhode Island faces a real threat from plastic  
11 pollution. Single-use plastic checkout bags are a primary source of this pollution, littering Rhode  
12 Island's neighborhoods, parks, and roadsides, as well as aquatic and coastal environments, posing  
13 a direct threat to wildlife and accumulating in waterways. A ban on these plastic bags is the most  
14 effective way to eliminate this source of pollution.

15 **23-19.17-3. Definitions.**

16 When used in this chapter:

17 (1) "Checkout bag" means any carry-out bag that is provided to the customer at the point  
18 of sale. "Checkout bag" does not include plastic barrier bags, double-opening plastic bags, or  
19 plastic bags measuring larger than twenty-eight inches (28") by thirty-six inches (36").

1           (2) "Department" means the department of environmental management as established in  
2 chapter 17.1 of title 42.

3           (3) "Double-Opening Plastic Bags" means any thin plastic bag with a double-opening  
4 (top and bottom) to protect clothing or other items for transport.

5           (4) "Pass-through charge" means a charge to be collected by retailers from their  
6 customers when providing recyclable paper bags, and retained by retailers to offset the cost of  
7 bags and other costs related to the pass-through charge.

8           (5) "Large retail sales establishment" means a retail sales establishment with five million  
9 dollars (\$5,000,000) or more in annual gross retail sales volume, as reported to the department of  
10 revenue.

11           (6) "Plastic barrier bag" means any thin plastic bag with a single opening used to:

12           (i) Transport fruit, vegetables, nuts, grains, small hardware items, or other items selected  
13 by customers to the point of sale;

14           (ii) Contain or wrap fresh or frozen foods, meat, or fish, whether prepackaged or not;

15           (iii) Contain or wrap flowers, potted plants, or other items where damage to a good or  
16 contamination of other goods placed together in the same bag may occur;

17           (iv) Contain unwrapped prepared foods or bakery goods; or

18           (v) Newspaper sleeves.

19           (7) "Recyclable paper bag" means a paper bag that is fully recyclable overall and contains  
20 a minimum of forty percent (40%) post-consumer recycled content and contains no old growth  
21 fiber. The bag should display the words "Reusable" and "Recyclable" or the universal recycling  
22 logo on the outside of the bag in green lettering at least one inch (1") in size.

23           (8) "Retail sales establishment" means any enterprise whereby the sale or transfer to a  
24 customer of goods in exchange for payment occurring in retail stores, farmers' markets, flea  
25 markets, and restaurants. This does not include sales of goods at yard sales, tag sales, other sales  
26 by residents at their homes, and sales by nonprofit organizations.

27           (9) "Reusable bag" means a bag with handles that is specifically designed and  
28 manufactured for multiple reuse and is made of cloth or other fabric or is made of durable plastic  
29 that is at least two and a quarter (2.25) mils thick.

30           (10) "Small retail sales establishment" means a retail sales establishment with less than  
31 five million dollars (\$5,000,000) in annual gross retail sales volume, as reported to the  
32 department of revenue.

33           **23-19.17-4. Plastic waste reduction.**

34           (a) Effective January 1, 2018, large retail sales establishments are prohibited from

1 making available any plastic checkout bag, not including plastic barrier bags or double-opening  
2 plastic bags.

3 (b) Effective January 1, 2018, no retail sales establishment, including large retail sales  
4 establishments and small retail sales establishments, shall make available any plastic checkout  
5 bags at the point of sale, not including plastic barrier bags or double-opening plastic bags.

6 (c) Nothing in this section shall preclude a retail sales establishment from making  
7 reusable bags or recyclable paper bags available for sale to customers.

8 **23-19.17-5. Enforcement-penalty.**

9 (a) This chapter shall be implemented, administered and enforced by the city or town  
10 police department or department or division designated by its chief executive officer.

11 (b) Upon being made aware of a potential violation of this chapter, the city or town  
12 designee shall investigate and determine whether a violation has occurred.

13 (c) If the investigation confirms that a violation has occurred, the city or town designee  
14 shall give written notice to the owner of the property, the owner's agent, or the person performing  
15 such violation that the violation is occurring and must stop.

16 (d) Such notice shall be in writing and may be served upon a person to whom it is  
17 directed either by delivering it personally to them or by posting same upon a conspicuous portion  
18 of the property and sending a copy of same certified mail to the person to whom the notice is  
19 directed.

20 (e) The owner, the owner's agent, or the person performing the violation is responsible  
21 for confirming, in writing, that the violation has ceased to the city or town designee within  
22 fourteen (14) days of receipt of the notice.

23 (f) A second violation after the fourteen (14) day response period of the first violation  
24 and within one year of the receipt of the confirmation that the violation had ceased shall incur a  
25 penalty of one hundred fifty dollars (\$150).

26 (g) A third violation within one year of the second and any subsequent violations shall  
27 incur a penalty of three hundred dollars (\$300).

28 (h) Each occurrence of a violation after the first, and each day that such violation  
29 continues, shall constitute a separate violation and may be cited as such.

30 (i) Every city or town shall promulgate rules and regulations necessary to implement this  
31 chapter within one hundred eighty (180) days of passage of this act.

32 **23-19.17-6. Severability.**

33 If any part or provision of this chapter, or the application of any part or provision to any  
34 person, entity, or circumstances is adjudged invalid by any court of competent jurisdiction, the

1 judgment shall be confined in its operation to the part, provision or application directly involved  
2 in the controversy in which the judgment shall have been rendered, and shall not affect or impair  
3 the validity of the remainder of this law or the application to other persons, entities, or  
4 circumstances.

5 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO HEALTH AND SAFETY - PLASTIC WASTE REDUCTION

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- 1 This act would establish a plan for a ban on the use of disposable plastic checkout bags
- 2 by retail establishments.
- 3 This act would take effect upon passage.

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