



General Assembly

January Session, 2009

**Committee Bill No. 5215**

LCO No. 4454

\*04454HB05215ENV\*

Referred to Committee on Environment

Introduced by:  
(ENV)

**AN ACT PROMOTING REUSABLE SHOPPING BAGS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) For purposes of this  
2 section: "Retailer" has the same meaning as in subdivision (12) of  
3 subsection (a) of section 12-407 of the general statutes, but does not  
4 include a restaurant; "restaurant" means a business that has the sole  
5 purpose of selling meals for individual consumption; "customer"  
6 means an individual who is an actual purchaser of goods used  
7 primarily for personal, family or household purposes; and "bag" means  
8 a sack provided at the point of sale for the storage of purchased goods,  
9 but excludes bags used to store produce, flowers, baked goods or meat  
10 which are provided by a retailer (1) prior to the point of sale, and (2) at  
11 a location other than the point of sale, bags used to cover dry cleaned  
12 items, paper bags provided by a pharmacy for the storage of  
13 purchased pharmaceuticals or plastic bags used to envelop  
14 newspapers intended for delivery at a residence.

15 (b) On and after January 1, 2010, any retailer who provides a paper  
16 or plastic bag at the point of sale to a customer shall charge such  
17 customer a fee of five cents for each such bag. The retailer shall transfer  
18 the proceeds of such fee to the Commissioner of Revenue Services in

19 accordance with the provisions of subsection (c) of this section.

20 (c) On or before March 31, 2010, each retailer collecting the fee as  
21 provided in this section shall submit a return to the Commissioner of  
22 Revenue Services that is applicable to the quarter commencing January  
23 1, 2010, on a form prescribed by the commissioner, together with  
24 payment of the quarterly proceeds of the fee collected in accordance  
25 with the provisions of subsection (b) of this section. Each retailer shall  
26 submit such return and payment to the commissioner each calendar  
27 quarter thereafter, on or before the last day of the month immediately  
28 following the end of each such calendar quarter. The Commissioner of  
29 Revenue Services shall deposit any such payment in the retail bag fee  
30 receipts account established in subsection (e) of this section.

31 (d) Whenever the proceeds of such fee is not paid when due, a  
32 penalty of ten per cent of the amount due or fifty dollars, whichever is  
33 greater, shall be added to the amount due and such penalty shall  
34 immediately accrue, and thereafter such proceeds shall bear interest at  
35 the rate of one and one-half per cent per month until the same is paid.  
36 The Commissioner of Revenue Services shall cause copies of a form  
37 prescribed for submitting returns as required under this section to be  
38 distributed throughout the state. Failure to receive such form shall not  
39 be construed to relieve anyone subject to the provisions of this section  
40 from the obligations of submitting a return, together with payment of  
41 such proceeds within the time required.

42 (e) There is established an account to be known as the "retail bag fee  
43 receipts account" which shall be a separate, nonlapsing account within  
44 the General Fund. The account shall contain any moneys required by  
45 law to be deposited in the account. Moneys in the account shall be  
46 expended by the Department of Environmental Protection for the  
47 purposes of fulfilling the Commissioner of Environmental Protection's  
48 duties under titles 7, 22a and 23 of the general statutes.

49 (f) On and after January 1, 2010, no municipality shall adopt an  
50 ordinance regarding the retail use of plastic or paper bags. The

51 provisions of this section shall not be construed to affect any such  
52 ordinance adopted prior to said date.

53 (g) Nothing in this section shall be construed to affect the amount of  
54 sales tax charged to the customer under chapter 219 of the general  
55 statutes.

56 (h) The provisions of sections 12-548 to 12-554, inclusive, of the  
57 general statutes and section 12-555a of the general statutes shall apply  
58 to the provisions of this section in the same manner and with the same  
59 force and effect as if the language of sections 12-548 to 12-554,  
60 inclusive, of the general statutes and section 12-555a of the general  
61 statutes had been incorporated in full into this section and had  
62 expressly referred to the fee imposed under this section, except to the  
63 extent that any provision is inconsistent with a provision in this section  
64 and except that the term "tax" shall be read as "fee".

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	New section

**Statement of Purpose:**

To encourage the use of reusable bags in retail stores by imposing a five-cent fee on plastic and paper shopping bags, with the proceeds to be used by the Department of Environmental Protection.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: REP. FAWCETT, 133rd Dist.; REP. MERRILL, 54th Dist.  
REP. KEHOE, 31st Dist.; REP. HURLBURT, 53rd Dist.  
REP. URBAN, 43rd Dist.; REP. LAMBERT, 118th Dist.  
REP. CONROY, 105th Dist.; REP. FONTANA, 87th Dist.  
REP. BYE, 19th Dist.; REP. HORNISH, 62nd Dist.  
SEN. MEYER, 12th Dist.; REP. MORRIS, 140th Dist.

H.B. 5215