



# Senate

General Assembly

**File No. 244**

January Session, 2015

Substitute Senate Bill No. 349

*Senate, March 26, 2015*

The Committee on Environment reported through SEN. KENNEDY of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING SINGLE-USE CARRYOUT PLASTIC AND PAPER BAGS AND THE USE OF REUSABLE BAGS.***

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

1 Section 1. (NEW) (*Effective from passage*) (a) For the purposes of this  
2 section:

3 (1) "Compostable bag" means a bag capable of being subjected to a  
4 process of accelerated biological decomposition of organic material  
5 under controlled conditions and that, at a minimum, meets the  
6 American Society for Testing and Materials, (ASTM), International  
7 Standard Specification for Compostable Plastics D6400, as updated.

8 (2) "Postconsumer recycled material" means a material that is  
9 destined for solid waste disposal because of the completion of such  
10 material's intended end use and product life cycle. "Postconsumer  
11 recycled material" does not include materials and byproducts  
12 generated from, and commonly reused within, an original  
13 manufacturing and fabrication process.

14 (3) "Recycled paper bag" means a paper carryout bag provided by a  
15 store to a customer at the point of sale that meets each of the following  
16 requirements: (A) Except as provided in subparagraph (B) of this  
17 subdivision, contains a minimum of forty per cent postconsumer  
18 recycled materials, (B) for an eight pound or smaller recycled paper  
19 bag, contains a minimum of twenty per cent postconsumer recycled  
20 material, (C) is accepted for recycling in curbside programs in a  
21 majority of households that have access to curbside recycling  
22 programs in the state, and (D) does not contain any fibers from old  
23 growth timber stands.

24 (4) "Reusable bag" means a bag that is provided or sold by a store to  
25 a customer at the point of sale that meets the requirements set forth in  
26 subsection (d) of this section.

27 (5) "Single-use carryout bag" means a bag made of plastic, paper or  
28 other material that is provided by a store to a customer at the point of  
29 sale and that is not an one hundred per cent recyclable bag, a  
30 compostable bag, a recycled paper bag or a reusable bag. "Single-use  
31 carryout bag" does not include any of the following: (A) A bag  
32 provided by a pharmacy to a customer purchasing a prescription  
33 medication, (B) a nonhandled bag used to protect a purchased item  
34 from damaging or contaminating other purchased items when placed  
35 in a one hundred per cent recyclable bag, a compostable bag, a  
36 recycled paper bag or a reusable bag, (C) a bag provided to contain an  
37 unwrapped food item, or (D) a nonhandled bag that is designed to be  
38 placed over: (i) Articles of clothing on a hanger, or (ii) a newspaper.

39 (6) "Store" means a retail establishment that meets any of the  
40 following requirements: (A) Is a full-line, self-service retail store with  
41 gross annual sales of two million dollars or more and that sells a line of  
42 dry groceries, canned goods or nonfood items and some perishable  
43 items, (B) contains not less than ten thousand square feet of retail space  
44 that generates sales or use tax in accordance with title 12 of the general  
45 statutes, (C) is a convenience food store, foodmart or other entity that  
46 is engaged in the retail sale of a limited line of goods, generally

47 including milk, bread, soda and snack foods, or (D) is a convenience  
48 food store, foodmart or other entity that is engaged in the retail sale of  
49 goods intended to be consumed off the premises.

50 (b) (1) On and after October 1, 2015, and until October 1, 2017, no  
51 store shall provide or sell to any customer at the point of sale a single-  
52 use carryout bag at a cost of less than ten cents.

53 (2) Any funds collected by a store pursuant to subdivision (1) of this  
54 subsection shall be retained by such store provided such funds shall be  
55 used for the following purposes: (A) Actual costs of compliance with  
56 the provisions of this subsection, (B) costs associated with providing  
57 single-use carryout bags pursuant to this subsection, and (C) costs  
58 associated with the employee and customer education and awareness  
59 campaign described in subdivision (3) of this subsection.

60 (3) On and after October 1, 2015, and until October 1, 2017, each  
61 store shall develop and implement an employee and customer  
62 education and awareness campaign that, at a minimum, shall include  
63 the following: (A) Training for each employee who engages with  
64 customers at the point of sale. Such training shall instruct such  
65 employees on ways to reduce the use of single-use carryout bags,  
66 effective ways to communicate with customers about the requirements  
67 of this section, including, but not limited to, ways to encourage  
68 customers to reduce the use of single-use carryout bags, (B) advertising  
69 and educational materials and efforts that inform customers about  
70 requisite charges for single-use carryout bags and that encourage the  
71 use of reusable bags, including, but not limited to, reusable bag  
72 giveaways, and (C) whenever audio broadcasting is available and  
73 utilized by such store, audio messages that provide customers with  
74 information concerning the provisions of this subsection and that  
75 encourage customers to utilize reusable bags.

76 (4) On and after October 1, 2015, and until October 1, 2017, each  
77 store shall establish not less than one collection point on the premises  
78 of such store for the collection and receipt from customers of clean  
79 single-use carryout bags. Such store shall assure the proper disposal of

80 such single-use carryout bags that the store collects from customers  
81 pursuant to this subdivision.

82 (5) Nothing in this subsection shall be construed to negate,  
83 supersede or preempt any local or municipal ordinance relative to the  
84 use of single-use carryout bags that took effect on or before the  
85 effective date of this section.

86 (c) (1) On and after October 1, 2017, no store shall provide or sell to  
87 a customer at the point of sale a single-use carryout bag. On and after  
88 October 1, 2017, and until October 1, 2019, a store may provide or sell  
89 to a customer at the point of sale a bag that is: (A) One hundred per  
90 cent recyclable, (B) compostable, or (C) a recycled paper bag, provided  
91 any such one hundred per cent recyclable or compostable bag or  
92 recycled paper bag is provided or sold by such store to any customer  
93 at the point of sale at a cost of not less than ten cents.

94 (2) (A) Any one hundred per cent recyclable bag that is provided or  
95 sold by a store in accordance with subdivision (1) of this subsection  
96 shall contain, in a prominent and conspicuous location on such bag,  
97 the following statement: "THIS BAG IS 100% RECYCLABLE. PLEASE  
98 REUSE THIS BAG AND THEN RECYCLE THIS BAG WHEN IT IS NO  
99 LONGER USEABLE. REDUCE, REUSE AND RECYCLE."

100 (B) Any compostable bag that is provided or sold by a store in  
101 accordance with the provisions of subdivision (1) of this subsection  
102 shall contain, in a prominent and conspicuous location on such bag,  
103 the following statement: "THIS BAG IS COMPOSTABLE. PLEASE  
104 REUSE THIS BAG AND THEN COMPOST THIS BAG WHEN IT IS  
105 NO LONGER USEABLE. REDUCE, REUSE AND RECYCLE."

106 (C) Any recycled paper bag that is provided or sold by a store in  
107 accordance with the provisions of subdivision (1) of this subsection  
108 shall contain, in a prominent and conspicuous location on such bag,  
109 the following statement: "THIS BAG IS MADE FROM NOT LESS  
110 THAN (INDICATE PERCENTAGE)% POSTCONSUMER RECYCLED  
111 MATERIAL. PLEASE REUSE THIS BAG AND THEN RECYCLE THIS

112 BAG WHEN IT IS NO LONGER USEABLE. REDUCE, REUSE AND  
113 RECYCLE."

114 (3) Any funds collected by a store pursuant to subdivision (1) of this  
115 subsection shall be retained by such store provided such funds shall be  
116 used for the following purposes: (A) Actual costs of compliance with  
117 the provisions of this subsection, (B) costs associated with providing  
118 one hundred per cent recyclable bags, compostable bags and recycled  
119 paper bags pursuant to this subsection, and (C) costs associated with  
120 the employee and customer education and awareness campaign  
121 described in subdivision (4) of this subsection.

122 (4) On and after October 1, 2017, and until October 1, 2019, each  
123 store shall develop and implement an employee and customer  
124 education and awareness campaign that, at a minimum, shall include  
125 the following: (A) Training for each employee who engages with  
126 customers at the point of sale. Such training shall instruct such  
127 employees on ways to reduce the use of one hundred per cent  
128 recyclable bags, compostable bags and recycled paper bags, effective  
129 ways to communicate with customers about the requirements of this  
130 subsection, including, but not limited to, ways to encourage customers  
131 to reduce the use of one hundred per cent recyclable bags, compostable  
132 bags and recycled paper bags, (B) advertising and educational  
133 materials and efforts that inform customers about requisite charges for  
134 one hundred per cent recyclable bags, compostable bags and recycled  
135 paper bags and that encourage the use of reusable bags, including, but  
136 not limited to, reusable bag giveaways, and (C) whenever audio  
137 broadcasting is available and utilized by such store, audio messages  
138 that provide customers with information concerning the provisions of  
139 this subsection and that encourage customers to utilize reusable bags.

140 (5) On and after October 1, 2017, and until October 1, 2019, each  
141 store shall establish not less than one collection point on the premises  
142 of such store for the collection and receipt from customers of clean one  
143 hundred per cent recyclable bags. Such store shall assure the proper  
144 recycling of such one hundred per cent recyclable bags that the store

145 collects from customers pursuant to this subdivision.

146 (6) Nothing in this subsection shall be construed to negate,  
147 supersede or preempt any local or municipal ordinance relative to the  
148 use of single-use carryout bags, one hundred per cent recyclable bags,  
149 compostable bags or recycled paper bags that took effect on or before  
150 the effective date of this section.

151 (d) (1) On and after October 1, 2019, no store shall provide or sell to  
152 any customer at the point of sale any bag unless such bag is a reusable  
153 bag. Each store may sell any such reusable bag at a price as established  
154 by such store. Nothing in this subdivision shall be construed to  
155 prohibit any store from providing any customer with a reusable bag  
156 free of charge.

157 (2) Any reusable bag provided or sold by a store to any customer at  
158 the point of sale in accordance with the provisions of subdivision (1) of  
159 this subsection shall: (A) Have a handle and be designed for numerous  
160 reuses, (B) be machine washable or made from a material that can be  
161 cleaned or disinfected, (C) if the bag is made of durable plastic, be not  
162 less than 2.25 mils thick, and (D) not contain lead, cadmium or any  
163 other toxic material that may pose a threat to public health.

164 (3) On and after October 1, 2019, the provisions of this subsection  
165 shall be deemed to supersede and preempt any local or municipal  
166 ordinance relative to the use of single-use carryout bags, one hundred  
167 per cent recyclable bags, compostable bags, recycled paper bags or  
168 reusable bags that took effect on or before the effective date of this  
169 section.

170 (e) Any city, town or municipality may fine any store located in  
171 such city, town or municipality for knowingly violating the provisions  
172 of this section. Any such fine shall be in the amount of one thousand  
173 dollars per day for the first violation, two thousand dollars per day for  
174 the second violation and five thousand dollars per day for the third  
175 and any subsequent violation. Any fine imposed pursuant to this  
176 subsection shall be remitted to the city, town or municipality that

177 imposed such fine.

178 Sec. 2. Section 22a-255e of the general statutes is repealed. (*Effective*  
179 *October 1, 2017*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2017</i>	Repealer section

**ENV**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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### ***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:***

<b>Municipalities</b>	<b>Effect</b>	<b>FY 16 \$</b>	<b>FY 17 \$</b>
Various Municipalities	Revenue Gain	Potential	Potential

### ***Explanation***

This bill phases out the use of single-use carryout bags at certain retail stores and, by October 1, 2019, requires the stores to provide or sell only reusable bags.

The bill allows municipalities to fine any retail store that does not comply with the provisions of the bill. This results in a potential revenue gain to municipalities where effected retail stores are located.

The impact of the bill on a given town varies based on: 1) the number of affected retail stores located in the town; 2) the number of violations committed; and 3) the length of violations, in days.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to fines levied by municipalities.

**OLR Bill Analysis****sSB 349*****AN ACT CONCERNING SINGLE-USE CARRYOUT PLASTIC AND PAPER BAGS AND THE USE OF REUSABLE BAGS.*****SUMMARY:**

This bill phases out the use of single-use carryout bags at certain retail stores and, by October 1, 2019, requires the stores to provide or sell only reusable bags.

Under the bill, the stores must do this in three steps.

1. From October 1, 2015 through September 30, 2017, stores may continue to give customers single-use carryout bags, but they must charge at least 10 cents per bag.
2. From October 1, 2017 through September 30, 2019, the stores must not sell or provide these bags and use only compostable, recycled paper, or 100% recyclable bags instead and charge at least 10 cents per bag.
3. Starting October 1, 2019, the stores must provide or sell only reusable bags for free or at a price they set.

Until October 1, 2019, the bill's restrictions do not supersede or preempt local or municipal ordinances on the bags in effect at the time the bill passes. On and after that date, all stores in the state must comply with the bill. Currently, Westport is the only municipality with such an ordinance.

As part of the first two phases, stores must keep the funds they charge for bags for things such as educating employees and customers about how to use single-use bags less. The bill also requires them to maintain sites for collecting bags from customers and assuring they are

properly disposed of or recycled.

The bill establishes fines for knowingly violating the carryout bag restrictions of \$1,000 per day for a first violation, \$2,000 per day for a second one, and \$5,000 per day for third and subsequent violations. It allows cities, towns, or municipalities to impose and receive the fines.

Lastly, the bill repeals a law requiring retail stores that offer plastic bags to also offer paper bags and inform customers of the choice. Conforming to the phase-out, this change takes effect on October 1, 2017, coinciding with the start of the second phase.

**EFFECTIVE DATE:** Upon passage, except the repeal takes effect October 1, 2017.

### **STORES AFFECTED**

The bill's phase-out requirements apply to the following retail establishments:

1. full-line, self-service retail stores with at least \$2 million in gross annual sales that sell dry groceries, canned goods or nonfood items, and some perishable items;
2. retail stores of at least 10,000 square feet that generate sales or use tax; or
3. convenience food stores, foodmarts, or other retail stores that sell (a) limited lines of goods, generally such things as milk, bread, soda, and snack food or (b) goods for off-premises consumption.

### **SINGLE-USE CARRYOUT AND OTHER BAGS**

The bill's phase-out requirements apply to bags made of plastic, paper, or other material that (1) a store gives to customers at the point of sale and (2) are not compostable, reusable, made of recycled paper, or 100% recyclable.

Under the bill, a "compostable bag" is one that can be broken down

through accelerated biological decomposition of organic material under controlled conditions. The bags must meet, at least, the American Society for Testing and Materials' (ASTM) International Standard Specification for Compostable Plastics D6400 (see BACKGROUND).

A "recycled paper bag" is a paper carryout bag that:

1. has at least 40% post-consumer recycled material or, for an eight pound or smaller bag, at least 20% post-consumer recycled materials (see below);
2. is recyclable in curbside recycling programs in a majority of households with access to the programs; and
3. has no old growth timber fibers.

"Post-consumer recycled material" is material meant for solid waste disposal because of the completion of its intended end use and product life cycle. It does not include material and byproducts from, and reused as part of, an original manufacturing and fabrication process.

A "reusable bag" is one that:

1. has a handle and is capable of many reuses;
2. is machine washable or made from a material that can be cleaned or disinfected;
3. is at least 2.25 mils thick, if made of durable plastic; and
4. has no lead, cadmium, or other toxic material that may threaten public health.

The bill's phase-out requirements do not apply to:

1. pharmacy bags for prescription medication;
2. nonhandled bags used to protect purchased items from damaging or contaminating other purchased items, when

placed in a compostable, reusable, recycled paper, or 100% recyclable bag;

3. bags to carry unwrapped food; and
4. nonhandled bags to be placed over (a) clothing on a hanger or (b) newspapers.

## **PHASE-OUT**

### ***From October 1, 2015 to September 30, 2017***

Beginning October 1, 2015, stores must charge customers at least 10 cents for each single-use carryout bag they provide or sell to them.

The bill requires the stores to keep the funds and use them to pay for the costs of (1) complying with the bill, (2) providing single-use carryout bags, and (3) developing and implementing an employee and customer awareness campaign.

During this first two-year phase, the campaign must, at a minimum:

1. train employees who interact with customers at the point of sale;
2. provide advertising and educational materials and make efforts to (a) inform customers about the required charges for bags and (b) encourage using reusable bags, including reusable bag giveaways; and
3. for stores that have and use audio broadcasting, provide audio messages that inform customers about the bill's requirements and encourage them to use reusable bags.

The training component must teach employees how to (1) reduce the use of single-use carryout bags and (2) effectively communicate with customers about the bill's requirements, including how to encourage them to reduce using the bags.

The bill also requires stores to establish at least one location on

premises to receive and collect clean single-use carryout bags from customers. The stores must assure that the bags are properly disposed of.

**October 1, 2017 to September 30, 2019**

As of October 1, 2017, the bill bans stores from providing or selling single-use carryout bags, but it allows them, through September 30, 2019, to provide or sell bags, for at least 10 cents each, that are (1) 100% recyclable, (2) compostable, or (3) made from recycled paper.

The bill allows the stores to continue keeping the funds they collect from providing or selling the bags, as long as they continue using them specifically for (1) complying with the bill, (2) providing bags to customers, and (3) the employee and customer education and awareness campaign. The campaign must include the same elements required during the first phase but focus only on compostable, recycled paper, and 100% recyclable bags.

The bill requires these bags to contain specific statements, in prominent and conspicuous locations.

A 100% recyclable bag must say:

THIS BAG IS 100% RECYCLABLE. PLEASE REUSE THIS BAG AND THEN RECYCLE THIS BAG WHEN IT IS NO LONGER USEABLE. REDUCE, REUSE AND RECYCLE.

A compostable bag must have the following statement:

THIS BAG IS COMPOSTABLE. PLEASE REUSE THIS BAG AND THEN COMPOST THIS BAG WHEN IT IS NO LONGER USEABLE. REDUCE, REUSE AND RECYCLE.

And a recycled paper bag must state:

THIS BAG IS MADE FROM NOT LESS THAN (INDICATE PERCENTAGE)% POSTCONSUMER RECYCLED MATERIAL. PLEASE REUSE THIS BAG AND THEN RECYCLE THIS BAG

WHEN IT IS NO LONGER USEABLE. REDUCE, REUSE AND RECYCLE.

And stores must (1) have at least one collection site on premises to receive and collect clean, 100% recyclable bags and (2) assure of the bags' proper recycling.

**Beginning October 1, 2019**

The bill requires all stores, starting October 1, 2019, to sell or provide only reusable bags to customers, including those in municipalities with bag ordinances. It allows stores to sell these bags at a price they set or provide them for free.

**BACKGROUND**

**ASTM D6400**

ASTM is an international voluntary standards development organization. Its D6400 is a specification for plastics and plastic products designed to be composted in municipal and industrial aerobic composting facilities.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 25 Nay 4 (03/11/2015)