



General Assembly

January Session, 2015

Raised Bill No. 349

LCO No. 2886



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

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 an 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, (D) a nonhandled bag that is designed to be
38 placed over articles of clothing on a hanger.

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) The provisions of subdivision (1) of this subsection shall not be
54 construed to apply to the provision of single-use carryout bags by a
55 store to any person who participates in and uses a payment method
56 authorized by any of the following programs: (A) The federal Special
57 Supplemental Food Program for Women, Infants and Children in the
58 state, (B) temporary family assistance, or (C) state-administered
59 general assistance. The provisions of this subdivision shall not be
60 applicable to any store that is not authorized to accept payment in
61 accordance with said programs.

62 (3) Any funds collected by a store pursuant to subdivision (1) of this
63 subsection shall be retained by such store provided such funds shall be
64 used for the following purposes: (A) Actual costs of compliance with
65 the provisions of this subsection, (B) costs associated with providing
66 single-use carryout bags pursuant to this subsection, and (C) costs
67 associated with the employee and customer education and awareness
68 campaign described in subdivision (4) of this subsection.

69 (4) On and after October 1, 2015, and until October 1, 2017, each
70 store shall develop and implement an employee and customer
71 education and awareness campaign that, at a minimum, shall include
72 the following: (A) Training for each employee who engages with
73 customers at the point of sale. Such training shall instruct such
74 employees on ways to reduce the use of single-use carryout bags,
75 effective ways to communicate with customers about the requirements
76 of this section, including, but not limited to, ways to encourage

77 customers to reduce the use of single-use carryout bags, (B)
78 educational materials that inform customers about requisite charges
79 for single-use carryout bags and that encourage the use of reusable
80 bags, and (C) whenever audio broadcasting is available and utilized by
81 such store, audio messages that provide customers with information
82 concerning the provisions of this subsection and that encourage
83 customers to utilize reusable bags.

84 (5) On and after October 1, 2015, and until October 1, 2017, each
85 store shall establish not less than one collection point on the premises
86 of such store for the collection and receipt from customers of clean
87 single-use carryout bags. Such store shall assure the proper disposal of
88 such single-use carryout bags that the store collects from customers
89 pursuant to this subdivision.

90 (6) Nothing in this subsection shall be construed to negate,
91 supersede or preempt any local or municipal ordinance relative to the
92 use of single-use carryout bags that took effect on or before the
93 effective date of this section.

94 (c) (1) On and after October 1, 2017, no store shall provide or sell to
95 a customer at the point of sale a single-use carryout bag. On and after
96 October 1, 2017, and until October 1, 2019, a store may provide or sell
97 to a customer at the point of sale a bag that is: (A) One hundred per
98 cent recyclable, (B) compostable, or (C) a recycled paper bag, provided
99 any such one hundred per cent recyclable or compostable bag or
100 recycled paper bag is provided or sold by such store to any customer
101 at the point of sale at a cost of not less than twenty-five cents.

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

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

114 (C) Any recycled paper bag that is provided or sold by a store in
115 accordance with the provisions of subdivision (1) of this subsection
116 shall contain, in a prominent and conspicuous location on such bag,
117 the following statement: "THIS BAG IS MADE FROM NOT LESS
118 THAN (INDICATE PERCENTAGE)% POSTCONSUMER RECYCLED
119 MATERIAL. PLEASE REUSE THIS BAG AND THEN RECYCLE THIS
120 BAG WHEN IT IS NO LONGER USEABLE. REDUCE, REUSE AND
121 RECYCLE."

122 (3) The provisions of subdivision (1) of this subsection shall not be
123 construed to apply to the provision of any one hundred per cent
124 recyclable bag, compostable bag or any recycled paper bag by a store
125 to any person who participates in and uses a payment method
126 authorized by any of the following programs: (A) The federal Special
127 Supplemental Food Program for Women, Infants and Children in the
128 state, (B) temporary family assistance, or (C) state-administered
129 general assistance. The provisions of this subdivision shall not be
130 applicable to any store that is not authorized to accept payment in
131 accordance with said programs.

132 (4) Any funds collected by a store pursuant to subdivision (1) of this
133 subsection shall be retained by such store provided such funds shall be
134 used for the following purposes: (A) Actual costs of compliance with
135 the provisions of this subsection, (B) costs associated with providing
136 one hundred per cent recyclable bags, compostable bags and recycled
137 paper bags pursuant to this subsection, (C) costs associated with the
138 employee and customer education and awareness campaign described
139 in subdivision (5) of this subsection, and (D) costs associated with

140 providing reusable bags in accordance with the customer reusable bag
141 program described in subdivision (6) of this subsection.

142 (5) On and after October 1, 2017, and until October 1, 2019, each
143 store shall develop and implement an employee and customer
144 education and awareness campaign that, at a minimum, shall include
145 the following: (A) Training for each employee who engages with
146 customers at the point of sale. Such training shall instruct such
147 employees on ways to reduce the use of one hundred per cent
148 recyclable bags, compostable bags and recycled paper bags, effective
149 ways to communicate with customers about the requirements of this
150 section, including, but not limited to, ways to encourage customers to
151 reduce the use of one hundred per cent recyclable bags, compostable
152 bags and recycled paper bags, (B) educational materials that inform
153 customers about requisite charges for one hundred per cent recyclable
154 bags, compostable bags and recycled paper bags and that encourage
155 the use of reusable bags, (C) informational materials that provide
156 customers with information concerning the customer reusable bag
157 program described in subdivision (6) of this subsection, and (D)
158 whenever audio broadcasting is available and utilized by such store,
159 audio messages that provide customers with information concerning
160 the provisions of this subsection and that encourage customers to
161 utilize reusable bags.

162 (6) On and after October 1, 2017, and until October 1, 2019, each
163 store shall develop and implement a customer reusable bag program
164 that, at a minimum, provides any customer who participates in any of
165 the programs listed in subdivision (3) of this subsection and who uses
166 a payment method authorized pursuant to any of said programs with
167 one reusable bag, free of charge, during each month that such program
168 is required to exist. The provisions of this subdivision shall not be
169 applicable to any store that is not authorized to accept payment in
170 accordance with said programs.

171 (7) On and after October 1, 2017, and until October 1, 2019, each

172 store shall establish not less than one collection point on the premises
173 of such store for the collection and receipt from customers of clean one
174 hundred per cent recyclable bags. Such store shall assure the proper
175 recycling of such one hundred per cent recyclable bags that the store
176 collects from customers pursuant to this subdivision.

177 (8) Nothing in this subsection shall be construed to negate,
178 supersede or preempt any local or municipal ordinance relative to the
179 use of single-use carryout bags, one hundred per cent recyclable bags,
180 compostable bags or recycled paper bags that took effect on or before
181 the effective date of this section.

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

188 (2) Any reusable bag provided or sold by a store to any customer at
189 the point of sale in accordance with the provisions of subdivision (1) of
190 this subsection shall: (A) Have a handle and be designed for not less
191 than one hundred twenty-five uses, (B) have a volume capacity of not
192 less than fifteen liters, (C) be machine washable or made from a
193 material that can be cleaned or disinfected, (D) have printed on such
194 bag, or on a tag attached to such bag that is not intended to be
195 removed, and in a manner visible to the customer, the following
196 statement: "THIS BAG IS A REUSABLE BAG THAT IS DESIGNATED
197 FOR AT LEAST 125 USES.", (E) if the bag is recyclable, contain the
198 following statement in a prominent and conspicuous location on the
199 bag: "THIS BAG IS RECYCLABLE. PLEASE RECYCLE THIS BAG
200 AFTER IT IS NO LONGER USEABLE. REDUCE, REUSE AND
201 RECYCLE.", and (F) not contain lead, cadmium or any other toxic
202 material that may pose a threat to public health.

203 (3) In addition to the requirements set forth in subdivision (2) of this
 204 subsection, any reusable bag that is made from any natural or
 205 synthetic fabric, including, but not limited to, woven or nonwoven
 206 nylon, polypropylene, polyethylene-terephthalate or Tyvek, shall: (A)
 207 Be sewn, (B) be capable of carrying twenty-two pounds over a distance
 208 of one hundred seventy-five feet for a minimum of one hundred
 209 twenty-five uses, and (C) have a minimum fabric weight of not less
 210 than eighty grams per square meter.

211 (4) On and after October 1, 2019, the provisions of this subsection
 212 shall be deemed to supersede and preempt any local or municipal
 213 ordinance relative to the use of single-use carryout bags, one hundred
 214 per cent recyclable bags, compostable bags, recycled paper bags or
 215 reusable bags that took effect on or before the effective date of this
 216 section.

217 (e) Any city, town or municipality may fine any store located in
 218 such city, town or municipality for knowingly violating the provisions
 219 of this section. Any such fine shall be in the amount of one thousand
 220 dollars per day for the first violation, two thousand dollars per day for
 221 the second violation and five thousand dollars per day for the third
 222 and any subsequent violation. Any fine imposed pursuant to this
 223 subsection shall be remitted to the city, town or municipality that
 224 imposed such fine.

225 Sec. 2. Section 22a-255e of the general statutes is repealed. (*Effective*
 226 *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

Statement of Purpose:

To phase out the use of single-use carryout plastic and paper bags and implement the utilization of reusable bags.

[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.]