



# Senate

General Assembly

**File No. 371**

February Session, 2016

Substitute Senate Bill No. 226

*Senate, March 31, 2016*

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 BAGS.**

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

1 Section 1. Section 22a-255e of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2016*):

3 [On and after January 1, 1990, each retail establishment which offers  
4 plastic bags to customers for goods purchased at such establishment  
5 shall offer paper bags to customers and inform customers that a choice  
6 is available. The provisions of this section shall not be construed to  
7 require retail establishments to use plastic bags.]

8 (a) For purposes of this section:

9 (1) "Compostable bag" means a bag capable of being subjected to a  
10 process of accelerated biological decomposition of organic material  
11 under controlled conditions and that, at a minimum, meets the ASTM  
12 International Standard Specification for Compostable Plastics D6400,  
13 as updated.

14 (2) "Postconsumer recycled material" means a material that is  
15 destined for solid waste disposal because of the completion of such  
16 material's intended end use and product life cycle. "Postconsumer  
17 recycled material" does not include materials and byproducts  
18 generated from, and commonly reused within, an original  
19 manufacturing and fabrication process.

20 (3) "Reusable bag" means a bag that is provided or sold by a store to  
21 a customer at the point of sale that customarily has a handle, is  
22 designed for numerous reuses, is machine washable or made from a  
23 material that can be cleaned or disinfected, if made of durable plastic,  
24 is not less than 2.25 mils thick, and does not contain lead, cadmium or  
25 any other toxic material that may pose a threat to public health.

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

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

47 goods intended to be consumed off the premises.

48 (b) Not later than July 1, 2018, fifty per cent of the single use  
 49 carryout bags provided by stores to customers for no cost at the point  
 50 of sale shall be one hundred per cent recyclable, consist of not less than  
 51 eighty per cent post-consumer recycled materials, have a handle and  
 52 be designed and manufactured for multiple reuses.

53 (c) Not later than July 1, 2020, one hundred per cent of the single use  
 54 carryout bags provided by stores to customers for no cost at the point  
 55 of sale shall be one hundred per cent recyclable, consist of not less than  
 56 eighty per cent post-consumer recycled materials, have a handle and  
 57 be designed and manufactured for multiple reuses.

58 (d) Not later than January 1, 2017, the Commissioner of Energy and  
 59 Environmental Protection shall enter into a memorandum of  
 60 understanding with representatives of the grocery and retail industries  
 61 that will assist in reducing the environmental impacts of paper and  
 62 plastic single-use carryout bags by establishing commitments for said  
 63 department and industries that will: (1) Work toward a fifty per cent  
 64 reduction goal in the distribution to consumers of paper bags and  
 65 single-use carryout bags in the state by 2021 while employing  
 66 performance targets that assure the accomplishment of such reduction  
 67 by 2021 and parameters that verify such reduction, (2) establish  
 68 incentives to encourage a reduction in the demand for such bags and  
 69 increase use of reusable bags by consumers in the state, (3) establish  
 70 single-use carryout bag and other plastic packaging recycling  
 71 programs at all participating supermarkets, grocery stores and  
 72 retailers, and (4) increase the recycled content and percentage of  
 73 recyclable, biodegradable and compostable bags offered for  
 74 distribution by such industries.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2016	22a-255e

**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.

**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill phases out, by 2020, the distribution of plastic bags to customers at certain retail stores. This does not result in a fiscal impact to the state or municipalities.

The bill also requires a memorandum of understanding (MOU) between the Department of Energy and Environmental Protection (DEEP) and grocery and retail representatives on various measures to reduce demand, establish recycling programs, and alter the current content of plastic, single-use bags.

This is not anticipated to result in a fiscal impact to DEEP, as there are currently staff with expertise in materials management.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****sSB 226*****AN ACT CONCERNING SINGLE-USE CARRYOUT BAGS.*****SUMMARY:**

This bill phases out, in two steps, plastic bags given to customers at certain retail stores' points of sale that are not reusable, compostable, or 100% recyclable. The bill refers to these bags as "single-use carryout bags."

Under the bill, by July 1, 2018, half of the single-use carryout bags the stores provide to customers for free at points of sale must (1) be 100% recyclable, with at least 80% post-consumer recycled material; (2) have a handle; and (3) be designed and manufactured for multiple reuses. And by July 1, 2020, 100% of the single-use carryout bags the stores provide to customers for free at points of sale must meet the above requirements.

"Post-consumer recycled material" is material meant for solid waste disposal because it completed its intended end use and product life cycle, but not material and byproduct from, and reused as part of, an original manufacturing and fabrication process.

The bill also requires the Department of Energy and Environmental Protection (DEEP) commissioner to enter into a memorandum of understanding (MOU) with grocery and retail industry representatives. The goals of the MOU are to (1) reduce by half the number of paper and single-use carryout bags distributed to customers by 2021; (2) establish incentives to reduce demand; (3) establish recycling programs; and (4) increase the recycled content of bags and the availability of recyclable, biodegradable, or compostable bags.

Lastly, the bill repeals a requirement for retail stores offering plastic

bags to also offer paper bags and inform customers of the choice.

EFFECTIVE DATE: July 1, 2016

**STORES AFFECTED**

The bill applies 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 of retail space that generate sales or use tax; and
3. convenience food stores, foodmarts, or other entities 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 plastic bags given to customers at points of sale that are not reusable, compostable, or 100% recyclable.

Under the bill, a “compostable bag” is a bag that can be broken down through accelerated biological decomposition of organic material under controlled conditions. It must meet, at least, the ASTM International Standard for Specification for Compostable Plastics D6400 (see BACKGROUND).

A “reusable bag” is one given or sold by a store to a customer that ordinarily:

1. has a handle and is designed to be reused many times;
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. contains no lead, cadmium, or other toxic material that may threaten public health.

The following bags are exempt from the phase-out requirements:

1. pharmacy bags for prescription medication;
2. bags without handles used to protect purchased items from damaging or contaminating other purchased items, when placed in a reusable, compostable, or 100% recyclable bag;
3. bags to carry unwrapped food; and
4. bags without handles to be placed over (a) clothing on a hanger or (b) newspapers.

#### **MEMORANDUM OF UNDERSTANDING**

Under the bill, the DEEP commissioner must enter into an MOU with grocery and retail industry representatives by January 1, 2017 to help reduce environmental impacts from paper and plastic single-use carryout bags.

The purpose of the MOU is to establish commitments to:

1. work toward a 50% reduction in the distribution of paper bags and single-use carryout bags to consumers by 2021, with performance targets to assure the goal is met and parameters to verify the reduction;
2. establish incentives to encourage reducing demand for these bags and increase consumers' use of reusable bags;
3. establish single-use carryout bag and other plastic packaging recycling programs at all participating supermarkets, grocery stores, and retailers; and
4. increase the recycled content and percentage of recyclable, biodegradable, and compostable bags offered for distribution.



**BACKGROUND*****ASTM D6400***

ASTM International 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.

***Related Bill***

sSB 233, reported favorably by the Environment Committee, requires the DEEP commissioner to adopt regulations on consumer packaging that include standards and requirements for (1) reducing its volume and weight in the waste stream and (2) increasing its recyclability and the proportion of recycled materials used in consumer packaging manufacturing.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 1 (03/11/2016)