



# Senate

General Assembly

**File No. 636**

January Session, 2019

Senate Bill No. 1003

*Senate, April 11, 2019*

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

## **AN ACT CONCERNING THE USE OF SINGLE-USE PLASTIC AND PAPER 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) "Single-use carryout bag" means a bag made of plastic, paper or  
4 other material that is provided by a store to a customer at the point of  
5 sale, customarily without a fee, and that is not one hundred per cent  
6 recyclable. "Single-use carryout bag" does not include any of the  
7 following: (A) A bag provided by a pharmacy to a customer  
8 purchasing a prescription medication, (B) a nonhandled bag used to  
9 contain a purchased item or to protect a purchased item from  
10 damaging or contaminating other purchased items when placed in a  
11 reusable carryout bag or a single-use carryout bag made of paper, in  
12 accordance with the provisions of this section, or a bag brought by a  
13 customer at a store for the customer's own use, (C) a bag provided to  
14 contain an unwrapped food item, or (D) a nonhandled bag that is

15 designed to be placed over: (i) Articles of clothing on a hanger, or (ii) a  
16 newspaper.

17 (2) "Store" means a retail establishment that meets any of the  
18 following requirements: (A) Is a full-line, self-service retail store with  
19 gross annual sales of two million dollars or more and that sells a line of  
20 dry groceries, canned goods or nonfood items and some perishable  
21 items, (B) contains not less than ten thousand square feet of retail space  
22 that generates sales or use tax in accordance with title 12 of the general  
23 statutes, (C) is a convenience food store, foodmart or other entity that  
24 is engaged in the retail sale of a limited line of goods, generally  
25 including milk, bread, soda and snack foods, or (D) is a convenience  
26 food store, foodmart or other entity that is engaged in the retail sale of  
27 goods intended to be consumed off the premises.

28 (3) "Reusable carryout bag" means a bag with handles that is  
29 specifically designed and manufactured for multiple reuses and is  
30 made of cloth, fiber, other machine washable fabric, or durable plastic  
31 that is at least twelve mils thick.

32 (b) (1) On and after January 1, 2020, no store shall provide or sell to  
33 any customer at the point of sale a single-use carryout bag that is made  
34 of plastic. In the event that a store provides a customer with a single-  
35 use carryout bag made of paper after January 1, 2020, such bag shall be  
36 one hundred per cent recyclable, contain a minimum of forty per cent  
37 post-consumer recycled content and conspicuously display the  
38 following phrase on such bag: "Please Reuse and Recycle This Bag".

39 (2) Any owner or operator of a store who violates the provisions of  
40 this section shall be issued a warning for a first violation and shall be  
41 fined two hundred fifty dollars for a second or any subsequent  
42 violation, provided no such fine shall be assessed against any such  
43 owner or operator more than once in a seven-day period. The  
44 provisions of this section may be enforced by any municipality or  
45 health district and any agent of the Departments of Consumer  
46 Protection and Energy and Environmental Protection. One-half of any  
47 fine imposed by a municipality or health district shall be retained by

48 the municipality where such violation occurred.

49 (c) Nothing in this section shall be construed to prohibit a  
50 municipality from enacting or enforcing an ordinance concerning  
51 single-use carryout bags made of plastic, provided such ordinance is as  
52 restrictive or more restrictive concerning the provision or selling of  
53 such bags to customers by stores.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

**ENV**      *Joint Favorable*

*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:**

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Department of Energy and Environmental Protection; Consumer Protection, Dept.	GF - Potential Revenue Gain	Less than 2,500	Less than 2,500

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 20 \$	FY 21 \$
Various Municipalities	Potential Revenue Gain	Less than 2,500	Less than 2,500

**Explanation**

The bill, beginning January 1, 2020: (1) prohibits stores from providing or selling plastic single-use carryout bags, and (2) requires paper single-use carryout bags that a store provides to a customer to be 100% recyclable, have at least 40% post-consumer recycled content, and conspicuously display “Please Reuse and Recycle This Bag” on the bag.

The bill also provides municipalities, health districts, and the Departments of Consumer Protection (DCP) and Energy and Environmental Protection (DEEP) the authority to enforce its requirements. It subjects store owners or operators who violate these requirements to receive a warning for a first violation. The second and subsequent violations are subject to \$250 fines.

It is estimated that less than \$5,000 annually will be generated from

violations of the bill's provisions. The bill requires half of any fine imposed by a municipality or health district to be kept by the municipality where the violation occurred. The other half would be split between DCP and DEEP.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

**OLR Bill Analysis****SB 1003*****AN ACT CONCERNING THE USE OF SINGLE-USE PLASTIC AND PAPER BAGS.*****SUMMARY**

This bill, beginning January 1, 2020, does the following:

1. prohibits stores from providing or selling to customers plastic single-use carryout bags at the point of sale and
2. requires any paper single-use carryout bag that a store provides to a customer to be 100% recyclable, have at least 40% post-consumer recycled content, and conspicuously display "Please Reuse and Recycle This Bag" on the bag.

The bill provides municipalities, health districts, and the departments of consumer protection and energy and environmental protection the authority to enforce its requirements.

It subjects a store owner or operator who violates the requirements to a warning for a first violation. Second and subsequent violations are subject to \$250 fines, but an owner or operator can only be fined once in a 7-day period. The bill requires half of any fine imposed by a municipality or health district to be kept by the municipality where the violation occurred.

The bill allows municipalities to enact or enforce a municipal ordinance on plastic single-use carryout bags as long as it is at least as restrictive as the bill's requirements.

EFFECTIVE DATE: Upon passage

**SCOPE OF THE BAN**

**Single-Use Carryout Bag**

Under the bill, a “single-use carryout bag” is a bag made of plastic, paper or other material that (1) a store provides to a customer at the point of sale, generally without a fee, and (2) is not 100% recyclable.

**Exempt Bags**

The bill exempts the following bags from its ban:

1. those provided by a pharmacy to a customer purchasing a prescription medication;
2. nonhandled bags used to (a) contain a purchased item or (b) protect a purchased item from damaging or contaminating other purchased items when placed in a paper single-use carryout bag, reusable carryout bag, or a bag a customer brings to a store for his or her own use;
3. those to contain an unwrapped food item; and
4. nonhandled bags that are meant to be placed over (a) clothing articles on a hanger or (b) newspapers.

Under the bill, a reusable carryout bag is a bag with handles that is specifically designed and manufactured for multiple reuses and is made of cloth, fiber, other machine washable fabric, or durable plastic with a thickness of at least 12 mils.

**Stores Affected**

The bill’s requirements apply to the following retail establishments:

1. full-line, self-service stores with gross annual sales of at least \$2 million and that sell a line of dry groceries, canned goods or nonfood items, and some perishable items;
2. those with at least 10,000 square feet of retail space that generates sales or use tax; and
3. convenience food stores, foodmarts, or other entities engaged in

the retail sale of (a) a limited line of goods, generally including milk, bread, soda, and snacks or (b) goods intended for off-premises consumption.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable

Yea 25 Nay 4 (03/25/2019)