



## **A CT STATE LAW TO REDUCE THE USE OF CARRYOUT BAGS IN RETAIL SALES**

### Section 1. Legislative Intent

Data released by the United States Environmental Protection Agency shows that between 500 billion and 1 trillion plastic bags are consumed worldwide each year.

Most plastic bags do not biodegrade; over time bags break down into smaller, more toxic petro-polymers which eventually contaminate soils and waterways.

It is estimated that plastic bags account for over 10% of debris that washes up on our nation's coastlines.

Plastic bags can have a devastating effect on wildlife; birds can become entangled in the bags and different species of sea life can die from ingesting plastic bags which they mistake for food.

Single use plastic shopping bags are made from polyethylene, a thermoplastic made from oil. Accordingly, reducing the use of plastic bags will decrease our dependence on fossil fuels.

Only 5 to 7 percent of plastic bags are recycled, in part, due to the fact that it costs more to recycle a bag than to produce a new one.

Americans consume more than ten billion paper bags each year and fourteen million trees are cut down yearly for the manufacturing of paper.

This paper production requires large amounts of water, energy, and chemicals and can emit toxic and hazardous chemicals into the air and water.

The nation's paper industry generates more than twelve million tons of solid waste every year.

The city of Stamford is considering legislation requiring retail stores to charge a fee on carryout bags. Studies indicate that such fees are effective in reducing the proliferation of paper and plastic bags and protecting the environment.

In lieu of enacting a total ban of plastic bags, the State of Connecticut should instead require stores to charge a 5 cent fee on all carryout bags. Should this approach fail to reduce the use of plastic bags by at least 70 % in three (3) years, the idea of an outright ban can be revisited at a later date.

Therefore, the purpose of this law is to encourage consumers in Connecticut to use their own reusable bags for shopping by requiring not less than a \$0.05 charge on carryout bags that are provided at retail stores.

## Section 2. Definitions

As used in this law, the following terms shall have the meanings indicated:

"Carryout Bag" shall mean any bag that is provided by a covered store to a customer at the point of sale and is used to carry goods from such store, provided, however, that such term shall not include any of the following: (i) a bag without handles used to carry produce, meats, poultry, fish, dairy, dry goods or other non-prepackaged food items to the point of sale within a covered store or to prevent such food items from coming into direct contact with other purchased items; (ii) a bag provided by a pharmacy to carry prescription drugs; (iii) a garment bag; or (iv) any other bag exempted from the provisions of this local law.

"Covered Store" shall mean an establishment engaged in the retail sale of personal, consumer or household items including but not limited to drug stores, pharmacies, grocery stores, supermarkets, convenience stores, foodmarts, apparel stores, home center and hardware stores, stationery and office supply stores, and food service establishments located within grocery stores, supermarkets, convenience stores or foodmarts, that provide carryout bags to customers in which to place purchased items. This term does not include food service establishments located outside of grocery stores, supermarkets, convenience stores or foodmarts.

"Food Service Establishment" shall mean a place where prepared food is provided for individual portion service directly to a consumer whether consumption occurs on or off the premises.

"Person" shall mean any natural person, firm, corporation, partnership or other organization or group however organized.

"Retail Sales" shall mean the transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sales, farmers' markets and flea markets. The term "retail sales" does not include sales of goods at yard sales, tag sales, and other sales by residents at their homes.

"Reusable Carryout Bag" shall mean a bag with handles that is specifically designed and manufactured for multiple reuse and is either: (1) made of cloth or

other machine washable material, but not film plastic; or (2) made of durable plastic that is at least 12.25 mils thick reusable carryout bags provided to customers pursuant to this local law shall be conspicuously labeled as reusable.

## Section 3. Carryout Bag Fee

A. Covered stores shall charge a fee of not less than five cents for each carryout bag provided to any customer. All fees collected by a covered store under this law shall be retained by the store. Covered stores shall separately itemize the fee charged pursuant to this local law on the standard receipt provided to customers. B. No covered store shall charge a fee for, or prevent a customer from using, a carryout bag brought by the customer to such store to carry purchased goods from such store.

#### Section 4. Additional Obligations of Covered Stores

A. Paper carryout bags provided by covered stores to customers shall contain a minimum of forty percent post-consumer recycled content and be conspicuously labeled with the amount of post-consumer recycled content. B. Plastic carryout bags provided by covered stores to customers labeled as "compostable" must be certified as compliant with the ASTM D6400-12 standard specification for labeling of plastics designed to be aerobically composted in municipal or industrial facilities or other standard determined by the Department of Energy and Environmental Protection agency. Plastic carryout bags provided by covered stores to customers shall not be labeled as "biodegradable," "degradable," or "decomposable." C. Covered stores may provide their customers with reusable carryout bags free of charge for a two-week period from December 1, 2018, to December 31, 2018. Additionally, covered stores may provide their customers with reusable carryout bags free of charge for a two-week period each year from December 1 to December 15.

#### Section 5. Reporting

No later than March 1, 2019, and annually thereafter, the Commissioner of the Department of Energy and Environmental Protection and the head of any other department or office designated by the Legislature, shall prepare an annual recycling report that includes information on the progress of single-use carryout bag reduction including but not limited to: (1) the general effectiveness of this local law in reducing the use of single-use carryout bags in the county and increasing the use of reusable carryout bags; (2) the waste- and litter-reduction benefits of this local law, including, where practicable, the amount of single-use plastic bags in the waste stream; (3) the number of notices of violation issued pursuant to this local law; and (4) any cost savings for the county attributable to single-use carryout bag reduction such as reduced contamination of local waterways or reduction in flooding or combined sewer overflows.