

Rosenson, Valerie

From: Toma, Michael
Sent: Wednesday, January 03, 2018 6:48 PM
To: Lee, Benjamin
Cc: Rosenson, Valerie; Isidro, Judith
Subject: Shopping Bag Ordinance
Attachments: 2013 olr report.pdf; 2008 olr report.pdf

Representative Lee:

You asked for an opinion on whether the City has the authority to regulate shopping bags by type, and whether the City can compel a local business to assess a tax or fee for using certain types of bags. I believe the answer to both questions is yes. I have attached two research reports from the State of Connecticut Office of Legislative Research. Several municipalities nationwide have enacted such ordinances. In Connecticut, it appears that only Westport has done so. Westport relied on its general regulatory and police and environmental protection powers, found in state statute at C.G.S. 7-148. I do note that if environmental protection is the primary basis for the ordinance, there should be scientific evidence in the minutes of the Board's deliberations that the type of bag being encouraged is indeed more environmentally friendly than the alternative. As pointed out in one of the attached reports, a ban in Oakland was enjoined by a judge because it was unclear on the record before it whether paper bags are more or less environmentally friendly than plastic bags. Representative Zelinsky has inquired whether the Westport ordinance could be used as a template for the Board, and I think that doing so would be appropriate.

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