

2010 PLASTIC BAG LEGISLATIVE TRACKING REPORT

TOTAL STATE BILLS: 70 Taxes: 25 Bans: 23 Recycling: 12
 Misc.: 10

Status Update

Bills defeated: 3 (1) (2)

TOTAL LOCAL BILLS: 4 Taxes: 1 Bans: 1 Recycling: 1
 Misc.: 1

TOTAL FEDERAL BILLS: 1 Taxes: 1

PLASTIC BAGS 2010 STATE/LOCAL LEGISLATIVE TRACKING REPORT

(*New bills in ***italics and bold***; status changes in **bold**)

Updated 2-26-2010

Bill Type	Bill	Bill Summary	Status
TAX (FEDERAL)	<u>US HR 2091</u> <i>(2009 carry-over)</i>	Would impose a retail tax of .05 cents, increasing to .25 cent in 2015, on single-use carryout bags.	<u>Pending the House Natural Resources Committee – Assigned to the Subcommittee on National Parks, Forests and Public Lands</u>
TAX	<u>AK SB 22</u> <i>(2009 carry-over)</i>	Would establish a \$0.15 cent fee for disposable plastic bags distributed by retailers to purchasers to carry away or protect goods; also establishes the Alaska litter and marine debris reduction and recycling fund.	<u>Pending Senate Resources Committee</u>
BAN	<u>CA AB 1998</u>	Would abolish the statewide at-store recycling program by Jan. 2012, prohibit all stores from providing plastic carryout bags and impose a \$0.25 cent fee on paper bags, of which five cents could be retained by the retailer.	<u>Introduced – 02/17/2010, may be heard in Committee March 20.</u>
MISC. (EPR requirements for bags)	<u>AB 2138</u>	Would prohibit a food provider, on and after July 1, 2013, from distributing a disposable food service packaging or a single-use carryout bag unless the department determines the packaging or bag meet specified composting or recycling requirements.	<u>Introduced 02/18/2010, may be heard in Committee March 23.</u>

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Updated 2-26-2010

Bill Type	Bill	Bill Summary	Status
TAX	<u>CA AB68</u> <i>(2009 carry-over)</i>	Would impose a retail tax no less than .25 cents on single-use carryout bags.	<u>Held in Assembly Appropriations Committee - 01/21/2010</u>
TAX	<u>CA AB 87</u> <i>(2009 carry-over)</i>	Would prohibit stores from providing single-use carryout bags, including green carryout bags, to customers unless the store charges a fee of not less than \$0.25 per bag at the point of sale.	<u>Held in Assembly Appropriations Committee - 01/21/2010</u>
RECYCLED CONTENT	<u>CA AB 1141</u> <i>(2009 carry-over)</i>	Among other requirements, provides for recycled-content in plastic carryout bags.	<u>Held without recommendation by Assembly Com. On Natural Resources</u>
MISC. (COMPOSTABLE/ DEGRADABLE STANDARDS)	<u>CA SB 228</u> <i>(2009 carry-over)</i>	Would require a manufacturer of a marine degradable or compostable plastic bag meeting certain standards to ensure that these bags are readily and easily identifiable from other plastic bags.	<u>Amended and reported from Senate Appropriations Committee – 01/21/2010; pending vote by full Senate</u>
MISC. (EPR FEE)	<u>CA SB 531</u> <i>(2009 carry-over)</i>	AMENDED to establish requirements for bag manufacturers to develop educational materials for at-store recycling programs that encourage the reducing, reusing and recycling of plastic bags.	<u>Held in Assembly Natural Resources Committee</u>

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Bill Type	Bill	Bill Summary	Status
TAX	HI HB 2645 (same as SB 2560)	Requiring that businesses charge a \$0.15 cent fee to consumers who choose to use non-recyclable checkout bags and also that businesses offer biodegradable plastic checkout bags and recyclable paper check out bags.	Introduced 1/25/2010 – Pending the House Committee on Energy & Environmental Protection
TAX	HI HB 2125	Requires businesses in the State to collect an offset fee for each plastic disposable checkout bag distributed to customers.	Reported from House Economic Revitalization, Business, and Military Committee as amended Committee and referred to Financial Services Committee 02/12/2010
BAN	HI HB 1357 (same as HB 1292) (2009 carry-over)	Prohibits non-biodegradable plastic checkout bags; would retailers in the State to distribute only recyclable paper, reusable or compostable checkout bags.	Pending House Energy and Environment Committee
MISC. (BIODEGRADABLE STANDARDS)	HI HCR 43 (2009 carry-over)	Among other things, requests the Department of Health to form a task force to establish minimum statewide standards for biodegradability for plastic grocery bags and food containers.	Pending Senate Committee on Health
BAN	HI HCR 61 (2009 carry-over)	Provides for non-compostable plastic bag reduction.	Pending House Energy and Environment Committee

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Bill Type	Bill	Bill Summary	Status
BAN	<u>HI HR 49</u> <i>(2009 carry-over)</i>	Provides for non-compostable plastic bag reduction.	<u>Pending House Energy and Environment Committee</u>
TAX	<u>HI SB 2560</u> (same as HB 2645)	Requiring that businesses charge a \$0.15 cent fee to consumers who choose to use non-recyclable checkout bags and also that businesses offer biodegradable plastic checkout bags and recyclable paper check out bags.	<u>Introduced 01/25/2010 – Pending Senate Committee on Energy & Environment</u>
BAN	<u>HI SB 2559</u>	Requires retailers in the State to distribute only recyclable, reusable, or biodegradable checkout bags.	<u>Senate Committee on Judiciary and Governmental Operations recommended bill pass with amendments – 02/23/2010</u>
BAN	<u>HI SB 244</u> <i>(2009 carry-over)</i>	Provides a refund or store credit to retail customers who do not use plastic shopping bags offered by the retailer at no additional charge.	<u>Pending Senate Energy and Environment Committee</u>
MISC. (RECYCLING MANDATE/BAN)	<u>HI SB 245</u> <i>(2009 carry-over)</i>	Establishes a statewide at-store plastic carryout bag recycling program, requiring certain retailers to collect and recycle plastic bags in their stores. Creates a ban on plastic bags effective January 1, 2011.	<u>Pending Senate Energy and Environment Committee</u>

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Updated 2-26-2010

Bill Type	Bill	Bill Summary	Status
BAN	<u>HI SB 584</u> (2009 carry-over)	Prohibits distribution of plastic shopping bags by retail stores and supermarkets in the State.	<u>Pending Senate Judiciary and Govt. Operations Committee</u>
TAX	<u>HI SB 1163</u> (2009 carry-over)	Requires distributors that sell and distribute plastic shopping bags to stores to pay to the department of health a fee of \$0.05 cents per bag.	<u>Pending Senate Human Services Committee</u>
BAN	<u>HI SB 1292</u> (same as <u>HB 1357</u>) (2009 carry-over)	Requires retailers in the State to distribute only recyclable paper, reusable, or compostable checkout bags.	<u>Pending Senate Energy and Environment Committee</u>
MANDATORY RECYCLING	<u>IL HB 334</u> (2009 carry-over)	Mandates the owner of each grocery store in Illinois to implement a plastic bag recycling program within 90 days after the effective date of this Act and provides various related requirements.	<u>Pending House Rules Committee</u>
TAX	<u>MD SB 462</u> (same as HB 351)	Would ban the use of disposable, non-recyclable plastic bags and assess consumers a \$0.05 cent fee per recyclable paper and plastic bag used at grocery and convenience stores.	<u>Pending the Senate Finance & Education Health and Environmental Affairs Committee - Hearing scheduled for March 10th.</u>

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Updated 2-26-2010

Bill Type	Bill	Bill Summary	Status
MANDATORY RECYCLING	<u>MD HB 1418</u>	<i>Would require stores with over 7,000 sq. ft. of retail space to establish an at-store recycling program for plastic carryout bags; requiring stores to print or display specified language on plastic bags; requiring stores to provide collection bins for the recycling of plastic carryout bags.</i>	<u>Introduced and referred to the House Rules and Executive Nominations Committee – 02/22/2010</u>
TAX	<u>MD HB 351</u> (same as SB 462)	Would ban the use of disposable, non-recyclable plastic bags and assess consumers a \$0.05 cent fee per recyclable paper and plastic bag used at grocery and convenience stores.	<u>Pending the House Environmental Matters & Economic Matters Committee -- Hearing scheduled March 10th</u>
TAX	<u>Baltimore, MARYLAND, Legislative File # 08-0208</u> (2009 carry-over)	Would impose a \$0.25 cent fee on plastic bags provided by retailers to customers. Amended to incorporate	<u>Scheduled for a public hearing before the Judiciary and Legislative Investigations committee on March 4th.</u>
MISC. (Environmental Impact Study)	<u>Baltimore, MARYLAND, Resolution # 09-0179R</u>	Resolution requiring the city Department of Public Works to undertake a study of the environmental impact of plastic carryout use in the City.	<u>Approved by the Baltimore Judiciary and Legislative Investigations Committee – 02/16/2010</u>

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BAN	<u>MA HB 719</u> <i>(2009 carry-over)</i>	Prohibits supermarkets or pharmacies, as defined, from providing a checkout bag to a consumer unless the bag is either a compostable plastic, a recyclable paper, or a reusable bag.	<u>Pending Joint Environment & Natural Resources Committee</u>
BAN	<u>MA HB 798</u> <i>(2009 carry-over)</i>	Prohibits retailers with annual sales exceeding \$500,000 from providing plastic carryout bags.	<u>Pending Joint Environment & Natural Resources Committee</u>
TAX	<u>MA HB 2686</u> <i>(2009 carry-over)</i>	Requires supermarkets with annual sales in excess of \$1M to impose a .05 cent tax on every plastic carryout bag provided to their customers.	<u>Pending Joint Committee on Revenue</u>
BAN	<u>MA SB 395</u> <i>(2009 carry-over)</i>	Prohibits stores from provide plastic carryout our bags to consumers.	<u>Pending Joint Environment & Natural Resources Committee</u>
TAX	<u>MA SB 1284</u> <i>(2009 carry-over)</i>	Requires stores with annual sales in excess of \$1M to impose a \$0.02 cent tax on every plastic carryout bag provided to their customers.	<u>Pending Joint Committee on Revenue</u>

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Bill Type	Bill	Bill Summary	Status
BAN	<u>Ann Arbor, MICHIGAN, Ordinance # 08-0705</u> <i>(2009 carry-over)</i>	Would prohibit any retail establishment, excluding restaurants, located within the City of Ann Arbor that has gross annual sales of \$1 million or more from providing non-compostable plastic carryout bags to customers.	<u>Tabled by the City council 9/21/09</u>
MANDATORY RECYCLING	<u>MN HF 41</u> <i>(2009 carry-over)</i>	Provides for establishment of in-store recycling program for plastic bag and film collection and recycling.	<u>Pending House Environment Policy and Oversight Committee</u>
MISC. (BIODEGRADABLE LABELING STANDARDS)	<u>MN HF 403</u> <i>(2009 carry-over)</i>	Among other requirements, provides for the establishment of labeling standards for compostable, biodegradable and degradable plastic bags and containers.	<u>Pending House Environment and Natural Resources Committee</u>
TAX	<u>MN SF 2338</u>	Would require all retailers to impose a \$.05 tax on paper or plastic carryout bags. The retailer would be permitted to retain one to two cents of the tax.	<u>Introduced in Senate – 02/04/2010</u>
MANDATORY RECYCLING	<u>MN HF 576 (same as SF 267)</u> <i>(2009 carry-over)</i>	Provides for establishment of in-store recycling program for plastic bag and film collection and recycling.	<u>Pending House Environment Policy and Oversight Committee</u>

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Bill Type	Bill	Bill Summary	Status
MANDATORY RECYCLING	<u>MN SF 267</u> <i>(same as HF 576)</i> <i>(2009 carry-over)</i>	Requires retailers to establish in-store recycling programs and specifies program and reporting requirements; also requires manufacturers to make collection and recycling arrangements with retailers upon request.	<u>Pending Senate Environment and Natural Resources</u>
TAX	<u>NJ AB 2121</u>	Requires every convenience store, drugstore, supermarket or retail establishment that has over 1,000 sq. ft. of retail space and provides carryout bags to impose a \$0.15 fee on every paper or plastic carryout bag.	<u>Introduced, Referred to Assembly Environment and Solid Waste Committee - 02/11/2010</u>
MANDATORY RECYCLING/ BAN	<u>NJ AB 2112</u>	Requires retailers to establish in-store recycling programs that provide opportunities for customers to return clean plastic carryout bags. The bill also provides for the eventual phase-out of plastic bags over a three-year period.	<u>Introduced, Referred to Assembly Environment and Solid Waste Committee - 02/11/2010</u>
BAN	<u>NJ AB 2238</u>	Provides for the decrease and eventual ban on use of non-compostable plastic grocery bags at retail stores.	<u>Introduced, Referred to Assembly Environment and Solid Waste Committee - 02/11/2010</u>

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Bill Type	Bill	Bill Summary	Status
MANDATORY RECYCLING	<u>NJ AB 1246</u>	Requires retailers to establish in-store recycling programs that provide opportunities for customers to return clean plastic carryout bags.	<u>Introduced, Referred to Assembly Environment and Solid Waste Committee - 01/12/2010</u>
MISC. (STUDY)	<u>NJ AB 1254</u>	Requires DEP to conduct study concerning single-use paper bags and plastic bags.	<u>Introduced, Referred to Assembly Environment and Solid Waste Committee - 01/12/2010</u>
TAX	<u>NJ AB 1643</u>	Would require convenience stores, drugstores, supermarkets or retail establishments with over 1,000 sq. ft. to charge consumers \$0.02 cents for each single-use plastic carryout bag.	<u>Introduced, Referred to Assembly Environment and Solid Waste Committee - 01/12/2010</u>
MANDATORY RECYCLING	<u>NJ SB 238</u>	Would require retailers to establish in-store recycling programs that provide opportunities for customers to return clean plastic carryout bags.	<u>Introduced in the Senate, Referred to Senate Environment and Energy Committee - 01/12/2010</u>
TAX	<u>NJ SB 456</u>	Would require every convenience store, drugstore, supermarket or retail establishment that has over 1,000 sq. ft. of space to charge their customers \$0.15 cent fee for every paper or plastic carryout bag	<u>Introduced in the Senate, Referred to Senate Environment and Energy Committee - 01/12/2010</u>

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Bill Type	Bill	Bill Summary	Status
		distributed beginning January 1, 2011. It further requires these stores to provide only compostable plastic bags or recyclable paper bags beginning January 1, 2012, and to restrict the use of plastic and paper carryout bags by 75% of current volume by Jan. 2014.	
TAX	<u>NM HB 133</u>	Would impose a tax of five cents (\$0.05) on each paper or plastic disposable carryout bag.	<u>Introduced in the House Business & Industry Committee/House Taxation & Revenue Committee - 01/25/2010</u>
MANDATORY RECYCLING	<u>NM HB 59</u>	Would establish an at-store recycling program that permits a customer of the store to return clean plastic carry-out bags to the store.	<u>Introduced - 01/20/2010</u>
BAN	<u>NY AB 6070</u> <i>(reintroduced from 2009)</i>	Requires all large retail supermarkets, as defined, to provide only paper bags, compostable plastic bags and/or reusable bags to customers.	<u>Referred to Assembly Environmental Conservation - 01/06/2010</u>
MISC. (REUSABLE BAG INCENTIVES)	<u>NY AB 6144</u> <i>(reintroduced from 2009)</i>	Provides a rebate for reusable bags by requiring store operators to pay customers at least \$0.02 cents for each bag brought in to carry purchased goods.	<u>Referred to Assembly Environmental Conservation - 01/06/2010</u>

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Bill Type	Bill	Bill Summary	Status
TAX	<u>NY AB 6537</u> <i>(reintroduced from 2009)</i>	Would impose a tax of \$0.15 cents upon every plastic shopping bags distributed by all sales outlets.	<u>Referred to Assembly Ways and Means - 01/06/2010</u>
MISC. (BAG REDUCTION COMMISSION)	<u>NY AB 6937</u> <i>(reintroduced from 2009)</i>	Would establish a temporary state commission on disposable merchandise bags to study and recommend a means to reduce the adverse impact of such bags on the environment.	<u>Referred to Assembly Environmental Conservation - 01/06/2010</u>
TAX	<u>NY AB 7844</u> <i>(reintroduced from 2009)</i>	Would impose a \$0.05 cent fee for each plastic carryout bag provided by a store to customers in New York City.	<u>Referred to Assembly Cities - 01/06/2010</u>
MISC. (REUSABLE BAG INCENTIVES)	<u>NY AB 9190A</u> <i>(reintroduced from 2009)</i>	To encourage the use of reusable shopping bags at stores that are implementing an at-store recycling programs, this bill was amended to require store operators to post signs regarding reusable bags.	<u>Reintroduced and referred to the Assembly Environmental Conservation Committee - 01/08/2010</u>
BAN	<u>NY SB 544</u> <i>(reintroduced from 2009)</i>	Requires retail businesses to restrict the use of non-compostable plastic bags.	<u>Referred to Senate Consumer Protection - 01/06/2010</u>

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Bill Type	Bill	Bill Summary	Status
MANDATORY RECYCLING (NYC PREEMPTION FROM STATE RECYCLING LAW)	<u>NY SB 4595</u> <i>(reintroduced from 2009)</i>	Would exempt New York City's local plastic bag recycling law from preemption by the statewide law.	<u>Referred to Senate Environmental Conservation - 01/06/2010</u>
TAX	<u>NY SB 4866</u> <i>(reintroduced from 2009)</i>	Would impose a \$0.05 cent fee on plastic shopping bags only in cities with a population of one million or more, which would mean the city of New York.	<u>Referred to the Senate Committee on Cities 01/06/2010</u>
TAX	<u>NY SB 5067</u> <i>(reintroduced from 2009)</i>	Would impose a \$0.05 cent surcharge on plastic shopping bags distributed at all sales outlets.	<u>Referred to Senate Investigations & Government Operations - 01/06/2010</u>
BAN	<u>NC HB 810</u> (same as SB 1018--2009 carry-over)	Prohibits retailers that have more than 5,000 sq. ft. of space or part of a retail chain from providing plastic bags to customers unless the bag is a reusable bag or a compostable plastic bag.	<u>Introduced and referred to the House Environment and Natural Resources - 03/26/2009</u>
MANDATORY RECYCLING	<u>NC HB 1288</u> <i>(2009 carry-over)</i>	Would require retailers who offer plastic checkout bags to provide in-store recycling with clearly marked receptacles for the bags, and arrange for collection of the material; also sets a state goal to recycle 75% of plastic checkout bags consumed.	<u>Pending the House Committee on Commerce, Small Business, and Entrepreneurships</u>

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Bill Type	Bill	Bill Summary	Status
BAN	OR SB 1009	Prohibits use of plastic bags as checkout bags. Allows Department of Environmental Quality to impose civil penalty.	DEAD – Held in committee beyond reporting deadline - 02/11/2010
MANDATORY RECYCLING	Philadelphia (PA) BILL NO. 090909 <i>(2009 carry over)</i>	Prohibits retailers from providing disposable paper or plastic shopping bags unless they establish a program to allow customers to return these bags for recycling. Exempts from these requirements retailers that charge .10 to .25 cents for these bags.	Introduced 12/10/2009 and referred to Environment Committee
BAN	PA SB 609 <i>(2009 carry-over)</i>	Act prohibiting grocery stores from providing to purchasers paper or plastic bags for goods purchased at grocery stores.	Pending the committee on Senate Environmental Resources and Energy
BAN	PA SB 864 <i>(2009 carry-over)</i>	Would impose a \$0.02 cent tax on each plastic bag supplied by retailers, with .01 cent returned to the state for recycling programs and the other .01 cent retained by the retailer.	Pending committee on Senate Finance
BAN	PA HB 2200	Act prohibiting grocery stores from providing to customers paper or plastic bags for goods purchased.	Introduced and referred to committee on House Environmental Resources and Energy - 01/11/2010

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Bill Type	Bill	Bill Summary	Status
BAN	<u>RI SB 2481</u>	<i>Would prohibit retail establishments from using any checkout bags other than the following: recyclable paper bags, compostable plastic bags, or reusable bags.</i>	<u>Introduced and referred to the Senate Committee on Environment and Agriculture – 02/11/2010</u>
TAX	<u>RI SB 804</u> (2009 carry-over)	Requires all retailers to provide a five-cent instant rebate to customers for reusable bags and to charge a \$0.15 cent fee for every plastic bag provided to customers.	<u>Pending Senate Environment and Agriculture Committee</u>
TAX	<u>VT SB 33</u> (2009 carry-over)	Would impose a \$0.03 cent tax on plastic carryout bags.	<u>Pending Senate Committee on Natural Resources</u>
TAX	<u>VT HB 262</u> (2009 carry-over)	Would impose a \$0.17 cent tax on every non-compostable plastic bag "purchased or received" in a retail transaction, including trash bags. Plastic bags used for produce would be exempted.	<u>Pending House Ways and Means Committee</u>
BAN	<u>VA HB 521</u>	Bans the use of plastic carryout bags by retailers unless such bags are durable plastic bags with handles; at least 2.25 mils thick; and specifically designed and manufactured for multiple reuse.	<u>House subcommittee tabled – 02/03/2010</u>

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TAX	<u>VA HB 1115</u>	Would impose a \$0.05 cent fee on paper and plastic bags distributed by retailers in grocery stores, convenience stores, and drugstores.	<u>DEAD – Tabled by House Subcommittee – 02/09/2010</u>
BAN	<u>WA HB 1189</u> <i>(2009 carry-over)</i>	Prohibits a retailer from providing a carryout bag for free or for charge to a consumer unless the carryout bag is either a compostable plastic, recyclable paper, or a reusable carryout bag.	<u>Bill was amended and approved by the House Committee on Environmental Health, referred to Rules Committee - 02/03/2010</u>
TAX	<u>WV HB 4307</u>	Beginning on July 1, 2010, all grocery stores, drug stores and convenience stores subject to the consumers' sales tax shall pay an excise tax of \$0.05 cents for each plastic shopping bag provided to customers.	<u>Introduced to House, Finance Committee – 02/03/2010</u>
BAN	<u>WI AB 170</u> <i>(2009 carry-over)</i>	This bill prohibits retailers from providing a bag for a customer's purchases unless the bag is one of the following: 1) a compostable plastic bag; 2) a cloth or plastic bag intended for multiple reuses; or 3) a recyclable paper bag.	<u>Pending Assembly Committee on Jobs, the Economy and Small Business</u>