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SENATE BILL NO. 971

Offered January 14, 2009

Prefiled January 12, 2009

A BILL to amend the Code of Virginia by adding in Chapter 14 of Title 10.1 an article numbered 3.7, consisting of sections numbered 10.1-1425.39 through 10.1-1425.42, relating to the recycling of plastic bags; penalty.

Patron—Blevins

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 14 of Title 10.1 an article numbered 3.7, consisting of sections numbered 10.1-1425.39 through 10.1-1425.42 as follows:

Article 3.7

Plastic Bag Recycling.

§ 10.1-1425.39. Definitions.

As used in this title, unless the context requires a different meaning:

"Chain of stores" means five or more stores located within the Commonwealth that are engaged in the same general field of business and either conduct business under the same business name, operate under common ownership or management, or pursuant to a franchise agreement with the same franchisor.

"Operator" means a person who owns or is in control of or has responsibility for the daily operation of a store.

"Plastic bag" means a plastic carryout bag provided by a store to consumers at the point of sale that is not a reusable bag.

"Reusable bag" means a bag made of cloth or other machine-washable fabric that has handles or a durable plastic bag with handles that is at least 2.25 mils thick and specifically designed and manufactured for multiple reuses.

"Store" means a retail or wholesale establishment that sells products and provides plastic bags to consumers in which to place these products and either: (i) occupies more than 5,000 square feet or (ii) is one of a chain of stores.

§ 10.1-1425.40. Recycling program requirements.

The operator of any store shall establish an in-store recycling program with the following provisions:

1. Every plastic bag provided by a store shall have printed or displayed on the outside face of the bag (i) the words "PLEASE REUSE OR RECYCLE AT A PARTICIPATING STORE" using letters at least one half inch in height or (ii) a similar message encouraging the reuse or recycling of plastic carryout bags that is no less than one inch in height and uses letters at least one quarter inch in height.

2. A bin for the collection of plastic bags shall be placed in a visible location that is easily accessible to the consumer and clearly marked as available for the purpose of collecting plastic bags.

3. All plastic bags returned to a store shall be collected, transported, and recycled. Such bags shall not be disposed of in any solid waste or hazardous waste facility.

4. Reusable bags that can be purchased and used in lieu of plastic bags will be offered at or near the point of sale.

§ 10.1-1425.41. Manufacturer responsibilities.

Any person who manufactures plastic bags that are distributed to stores subject to the provisions of this article shall, upon the request of the operator, arrange for the collection, transport, and recycling of such plastic bags.

§ 10.1-1425.42. Penalty.

Any person violating any provision of this article shall be assessed a civil penalty of up to \$100 per violation. Each day of violation shall constitute a separate offense. Any civil penalty assessed pursuant to this article shall be paid into the Litter Control and Recycling Fund (§ 10.1-1422.01).

2. That the provisions of this act shall become effective on January 1, 2010.

INTRODUCED

SB971