

\* TITLE 27

PLASTIC BAG REDUCTION, REUSE AND RECYCLING

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\* NB There are 2 Title 27's

\* § 27-2701. Definitions.

As used in this title:

1. "Compostable plastic bag" means a plastic bag that at a minimum meets the American Society for Testing and Materials standard D6400 for compostable plastic, as amended.

2. "Manufacturer" means the producer of a plastic carryout bag sold to a store or the manufacturer's agent or broker who sold the plastic carryout bag to the store.

3. "Operator" means a person in control of, or having daily responsibility for, the daily operation of a store, which may include, but is not limited to, the owner of the store.

4. "Plastic carryout bag" means a plastic carryout bag provided by a store to a customer at the point of sale.

5. "Reusable bag" means:

(a) a bag made of cloth or other machine washable fabric that has handles; or

(b) a durable plastic bag with handles that is specifically designed and manufactured for multiple reuse.

6. "Store" means a retail establishment that provides plastic carryout bags to its customers as a result of the sale of a product and (a) has over ten thousand square feet of retail space, or (b) such retail establishment is part of a chain engaged in the same general field of business which operates five or more units of over five thousand square feet of retail space in this state under common ownership and management.

\* NB There are 2 § 27-2701's

\* § 27-2703. Store operator responsibilities.

1. The operator of a store shall establish an at-store recycling program pursuant to the provisions of this title that provides an opportunity for a customer of the store to return to the store clean plastic carryout bags.

2. A retail establishment that does not meet the definition of a store and that provides plastic carryout bags to customers at the point of sale may also adopt an at-store recycling program.

\* NB There are 2 § 27-2703's

§ 27-2705. Recycling program requirements.

An at-store recycling program provided by the operator of a store shall require:

1. a plastic carryout bag provided by the store to have printed or displayed on the bag, in a manner visible to a consumer, the words "PLEASE RETURN TO A PARTICIPATING STORE FOR RECYCLING". Provided, however, such store shall be allowed for one year from the effective date of this subdivision to use its existing stock of plastic carryout bags. A store may also apply to the commissioner for approval of an

alternative plastic bag recycling message. The commissioner shall approve or reject the proposed message within forty-five days;

2. a plastic carryout bag collection bin that is visible, easily accessible to the consumer, and clearly marked that the collection bin is available for the purpose of collecting and recycling plastic carryout bags. This subdivision shall apply to stores not within an enclosed shopping mall and stores of at least fifty thousand square feet within an enclosed shopping mall. In the case of an enclosed shopping mall, the owner of the enclosed mall shall place bins at reasonable intervals throughout the enclosed mall area;

3. all plastic carryout bags collected by the store to be collected, transported and recycled along with any other in-store plastic recycling, except for plastic bags that are not sufficiently free of foreign material to enter the recycling stream. Plastic carryout bags collected by the store or the manufacturer, which are free of foreign material, shall not be disposed of in any solid waste disposal facility permitted or authorized pursuant to title seven of this article;

4. the store or its agent to maintain, for a minimum of three years, records describing the collection, transport and recycling of plastic carryout bags collected by weight, provided however that stores or its agents may weigh such bags and any other in-store plastic recycling at a regional collection center. Such records shall be made available to the department upon request, to demonstrate compliance with this title; and

5. the operator of the store to (a) make reusable bags available to customers within the store for purchase, and (b) permit a reusable bag to be used in lieu of a plastic carryout bag or paper bag.

§ 27-2707. Manufacturer responsibilities.

1. When the manufacturer accepts plastic carryout bags for return, it or its agent shall maintain, for a minimum of three years, records describing the collection, transport and recycling of plastic carryout bags collected by weight, provided that the manufacturer or its agents may weigh such bags and any other plastic resins at a regional collection center. Such records shall be made available to the department upon request, to demonstrate compliance with this title.

2. Manufacturers of compostable plastic bags sold to stores in the state that are subject to the provisions of this title shall have printed on the bag, in a manner visible to the consumer, the words "COMPOSTABLE BAG -- DO NOT PLACE IN RECYCLING BIN". Provided however, such bags may be sold or distributed for one year from the effective date of this section to use the store's existing stock of compostable bags.

§ 27-2709. Department responsibility.

1. The department shall develop educational materials to encourage the reduction, reuse and recycling of plastic carryout bags and shall make those materials available to stores required to comply with this article.

2. The department shall provide information regarding the availability of recycling facilities and companies that recycle plastic bags, including the addresses and phone numbers of such facilities and companies to stores required to comply with this article.

§ 27-2711. Regulations.

The department is authorized to promulgate any rules and regulations necessary to implement the provisions of this title and shall promulgate, and update the most recent version of, rules

and regulations pertaining to the definition of compostable as prescribed in American Society for Testing and Materials Standard D6400.

§ 27-2713. Preemption.

Jurisdiction in all matters pertaining to plastic bag recycling is by this article vested exclusively in the state. Any provision of any local law or ordinance, or any rule or regulation promulgated thereto, governing the recycling of plastic bags shall, upon the effective date of this title, be preempted. Provided however, nothing in this section shall preclude a person from coordinating for recycling or reuse the collection of plastic bags.