

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1280 Session of 2015

INTRODUCED BY FARRY, HANNA, BISHOP, THOMAS, McNEILL AND BARBIN, JUNE 5, 2015

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 19, 2016

AN ACT

1 Amending the act of March 4, 1971 (P.L.6, No.2), entitled "An
2 act relating to tax reform and State taxation by codifying
3 and enumerating certain subjects of taxation and imposing
4 taxes thereon; providing procedures for the payment,
5 collection, administration and enforcement thereof; providing
6 for tax credits in certain cases; conferring powers and
7 imposing duties upon the Department of Revenue, certain
8 employers, fiduciaries, individuals, persons, corporations
9 and other entities; prescribing crimes, offenses and
10 penalties," providing for prohibition of a RECYCLABLE plastic <--
11 bag ban, fee, surcharge or tax.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. The act of March 4, 1971 (P.L.6, No.2), known as
15 the Tax Reform Code of 1971, is amended by adding an article to
16 read:

17 ARTICLE ~~XXIX-G~~ XXIX-H <--

18 PROHIBITION OF A RECYCLABLE PLASTIC BAG BAN, FEE, SURCHARGE OR <--

19 TAX

20 Section ~~2901-G~~ 2901-H. Scope. <--

21 This article prohibits the imposition of a ban, fee,
22 surcharge or tax on the provision of RECYCLABLE plastic bags at <--

1 the point of sale of consumer goods in this Commonwealth.

2 Section 2902-G 2902-H. Definitions. <--

3 The following words and phrases when used in this article  
4 shall have the meanings given to them in this section unless the  
5 context clearly indicates otherwise:

6 "Consumer good." A good that is sold at retail to a  
7 purchaser for personal consumption or household use.

8 "Department." The Department of Revenue of the Commonwealth.

9 "Plastic "RECYCLABLE PLASTIC bag." A bag or pouch of <--  
10 flexible packaging made of thin, flexible, plastic film that is  
11 designed and intended to be used for the carrying of goods  
12 purchased at a retail establishment, THAT CAN BE RECYCLED and <--  
13 that is provided to the purchaser by the retail establishment at  
14 the point of sale. The term does not include: <--

15 (1) A reusable bag or pouch specifically designed for  
16 multiple uses and that is made of cloth, fabric or durable  
17 plastic of at least 2.25 mils.

18 (2) A bag or pouch to carry or bundle produce for  
19 delivery to the point of sale at a retail establishment.

20 (3) A bag or pouch made of compostable materials that  
21 meets the American Society for Testing and Materials (ASTM)  
22 D6400 standard for composite plastic. THE POINT OF SALE. THE <--  
23 TERM DOES NOT INCLUDE A REUSABLE BAG OR POUCH SPECIFICALLY  
24 DESIGNED FOR MULTIPLE USES AND THAT IS MADE OF CLOTH, FABRIC  
25 OR DURABLE PLASTIC.

26 "Retail establishment." An establishment that sells or  
27 offers to sell consumer goods to the public at retail.

28 Section 2903-G 2903-H. Prohibition on the imposition of a <--  
29 plastic bag ban, fee, surcharge or tax ON A <--  
30 RECYCLABLE BAG.

1 On and after the effective date of this article, it is  
2 prohibited to impose a tax, surcharge, ban or fee on a  
3 RECYCLABLE plastic bag supplied by a retail establishment to a <--  
4 purchaser of consumer goods at the point of sale in this  
5 Commonwealth.

6 Section 2904-G 2904-H. Regulations. <--

7 The department shall promulgate rules and regulations  
8 necessary to administer and enforce this article.

9 Section 2. This act shall take effect in 60 days.