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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO HEALTH AND SAFETY

Introduced By: Senators Miller, Archambault, Goldin, Conley, and Ruggerio

Date Introduced: February 01, 2017

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby  
2 amended by adding thereto the following chapter:

3 CHAPTER 19.17

4 PLASTIC WASTE REDUCTION ACT

5 **23-19.17-1. Definitions.**

6 As used in this chapter, the following terms shall have the following meanings:

7 (1) "Department" means the department of environmental management.

8 (2) "Expanded polystyrene" means polystyrene that has been expanded into a solid foam.

9 (3) "Large retail sales establishment" means a retail sales establishment with five million  
10 dollars (\$5,000,000) or more in annual gross retail sales volume, as reported to the department of  
11 revenue.

12 (4) "Pass-through charge" means a charge to be collected by retailers from their  
13 customers when providing plastic water bottles or expanded polystyrene, and retained by retailers  
14 to offset the cost related to the pass-through charge.

15 (5) "Plastic barrier bag" means a thin plastic bag which is typically used to pack  
16 perishable food items such as fruit, vegetables and meat in supermarkets and other food outlets.

17 (6) "Plastic water bottle" means a single-serving polyethylene terephthalate (PET) bottle  
18 of one liter or less used to distribute unflavored water.

19 (7) "Retail sales establishment" means any enterprise whereby the sale or transfer to a

1 customer of goods in exchange for payment occurs in a retail store, farmers' market, flea market,  
2 or restaurant. This meaning does not include sales of goods at yard sales, tag sales, other sales by  
3 residents at their homes, or sales by nonprofit organizations.

4 (8) "Small retail sales establishment" means a retail sales establishment with less than  
5 five million dollars (\$5,000,000) in annual gross retail sales volume, as reported to the  
6 department of revenue.

7 **23-19.17-2. Plastic waste reduction.**

8 (a) Effective January 1, 2018, large retail sales establishments are prohibited from  
9 making available any plastic checkout bag; provided, however, that a plastic checkout bag shall  
10 not include plastic barrier bags or double-opening plastic bags.

11 (b) Effective January 1, 2018, no retail sales establishment, including large retail sales  
12 establishments and small retail sales establishments, shall make available any plastic water bottle  
13 or expanded polystyrene disposable food container at the point of sale; provided, however, that a  
14 plastic water bottle or expanded polystyrene disposable food container shall not be deemed to  
15 include plastic barrier bags or double-opening plastic bags.

16 **23-19.17-3. Enforcement; Penalty.**

17 (a) This chapter shall be implemented, administered and enforced by the municipalities',  
18 police department, or other department or division designated by their mayors or town managers.

19 (b) Upon being made aware of a potential violation of this chapter, the municipality's  
20 designee shall investigate and determine whether a violation has occurred.

21 (c) If the investigation confirms that a violation has occurred, the municipality's designee  
22 shall give written notice to the owner of the property, the owner's agent, and/or the person  
23 performing the violation that the violation is occurring and must immediately cease.

24 (d) The notice shall be in writing and shall be served upon the person to whom it is  
25 directed either by personal delivery or by posting the notice upon a conspicuous portion of the  
26 property and by sending a copy of the notice by certified mail to the person to whom the notice is  
27 directed.

28 **23-19.17-4. Ordinances.**

29 Municipalities are authorized to establish ordinances necessary to implement the  
30 purposes of this chapter.

31 SECTION 2. This act shall take effect on January 1, 2018.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO HEALTH AND SAFETY

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1           This act would prohibit retail sales establishments from making available to their  
2 customers, plastic checkout bags, plastic water bottles or expanded polystyrene disposable food  
3 containers at the point of sale.

4           This act would take effect on January 1, 2018.

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