

RESOLUTION OF THE CITY COUNCIL

No. 288

Approved April 20, 2018

WHEREAS, On February 15, 2018, Rhode Island Senator Joshua Miller (D) introduced SB 2354; and

WHEREAS, On February 28, 2018, Rhode Island Representative Carol Hagan McEntee (D) introduced HB 7851; and

WHEREAS, Passage of these bills would amend Rhode Island General Laws and prohibit large retail establishments from providing plastic checkout bags in the State of Rhode Island; and

WHEREAS, Introduction of this legislation comes after numerous municipalities in Rhode Island have passed and implemented their own plastic bag reduction bills; and

WHEREAS, Plastic bags have significant adverse impacts on our environment, contributing to waste and marine pollution, and greenhouse gas, among other public health concerns; and

WHEREAS, The production of single-use plastic bags produces over 2.5K metric tons of CO₂ (carbon dioxide) annually, contributing to the greenhouse effect and global warming; and

WHEREAS, Single-use plastic bags are used on average for 12 minutes and live for about one thousand years; and

WHEREAS, These bags end up in the oceans, breaking down into micro plastics, which are then consumed by marine life, thus entering our food chain; and

WHEREAS, According to the Center for Biological Diversity Americans use 100 billion single-use plastic bags a year, which in turn kills 100,000 marine animals every year; and

WHEREAS, Since 2013, Clean Ocean Access has removed twelve thousand single-use plastic bags from Rhode Island beaches; and

WHEREAS, As the Ocean State with residents who earn their livelihood from Rhode Island's forty million dollar fishing industry, we have an obligation to protect our natural resources; and

WHEREAS, Additionally, plastic bags cost the cities across Rhode Island millions annually in recycling contamination fees; and

WHEREAS, The Rhode Island Resource Recovery Corporation (RIRRC) sees nearly 60 tons of plastic bags in their facility every year; and

WHEREAS, Continued recycling of plastic bags will result in shortening the lifespan of the RIRRC landfill, which is projected to be completely full by 2035; and

WHEREAS, In Providence alone, over ninety-five million single-use plastic bags are used annually; and

WHEREAS, These plastic bags end up contaminating recycling loads and costing the City of Providence at least one million dollars in fees each year; and

WHEREAS, Cities and countries across the world have long been banning and/or charging fees for plastic bags; and

WHEREAS, In the United States, California and Hawaii have statewide bans and cities in Texas, Massachusetts, and Rhode Island, along with 12 other states, have enacted legislation to reduce single-use plastic bags; and

WHEREAS, Twenty four African nations have banned plastic bags, as well as the country of China; and

WHEREAS, The City of Providence desires to conserve resources, reduce greenhouse gas emissions, waste, and marine pollution, and to protect the public health and welfare of its residents; and

WHEREAS, As public servants and the elected representatives of the people of Providence, the City Council has an obligation to ensure that our residents' livelihoods and life are not threatened, our natural resources are protected, and financial losses continue to not be incurred due to plastic bags.

NOW, THEREFORE, BE IT RESOLVED, That the Providence City Council strongly supports Rhode Island Senate Bill 2354 and House Bill 7851 to reduce plastic bag usage in the State of Rhode Island.

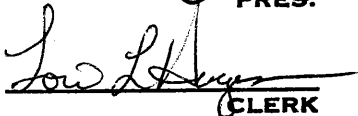
BE IT FURTHER RESOLVED, That, upon passage, copies of this resolution be sent to the elected Rhode Island House and Senate representatives of the City of Providence.

IN CITY COUNCIL

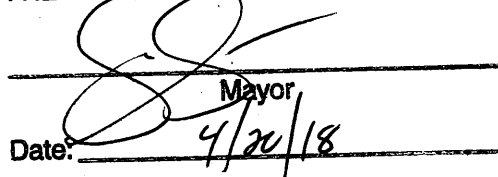
APR 19 2018

READ AND PASSED


PRES.


CLERK

I HEREBY APPROVE.


Mayor
Date: 4/20/18

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO HEALTH AND SAFETY - PLASTIC WASTE REDUCTION ACT

Introduced By: Senators Miller, Sosnowski, Ruggerio, Coyne, and Lombardo

Date Introduced: February 15, 2018

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, including, but not limited to,
11 local retail sales establishments with a "parent and/or franchising company" that has five million
12 dollars (\$5,000,000) or more in annual gross retail sales volume.

13 (4) "Parent and/or franchising company" means an entity that owns or controls other
14 retail sales establishments which are legal entities in their own right or a business system in which
15 private entrepreneurs purchase the rights to open and run a retail sales establishment location of a
16 larger company.

17 (5) "Plastic checkout bag" means a carryout bag that is provided by a business to a
18 customer for the purpose of transporting groceries or other retail goods, and is made from non-
19 compostable plastic and not specifically designed and manufactured for multiple re-use.

1 The term "plastic checkout bag" does not include the following types of bags which are
2 excluded from the ban and may continue in use:

3 (i) Bags used by customers inside a business to package loose items, such as fruits,
4 vegetables, nuts, ground coffee, grains, candies, or small hardware items;

5 (ii) Bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, or
6 other items to contain dampness;

7 (iii) Bags provided by pharmacists to contain prescription medications;

8 (iv) Newspaper bags for home newspaper delivery;

9 (v) Door-hanger bags;

10 (vi) Laundry, dry cleaning, or garment bags, including bags provided by hotels to guests
11 to contain wet or dirty clothing;

12 (vii) Bags sold in packages containing multiple bags intended for use as garbage, pet
13 waste, or yard waste bags;

14 (viii) Bags used to contain live animals, such as fish or insects sold in pet stores;

15 (ix) Bags used to transport chemical pesticides, drain-cleaning chemicals, or other caustic
16 chemicals sold at the retail level; provided that this exemption shall be limited to one bag per
17 customer;

18 (x) Compostable plastic bags.

19 (6) "Retail sales establishment" means any enterprise whereby the sale or transfer to a
20 customer of goods in exchange for payment occurs in a retail store, flea market, or restaurant.
21 This meaning does not include sales of goods at farmers' markets, yard sales, tag sales, other sales
22 by residents at their homes, or sales by nonprofit organizations.

23 (7) "Small retail sales establishment" means a retail sales establishment with less than
24 five million dollars (\$5,000,000) in annual gross retail sales volume.

25 **23-19.17-2. Plastic waste reduction.**

26 (a) Effective January 1, 2021, large retail sales establishments are prohibited from
27 making available any plastic checkout bag;

28 (b) Effective January 1, 2021, no retail sales establishment, including large retail sales
29 establishments and small retail sales establishments, shall make available any expanded
30 polystyrene disposable food container at the point of sale.

31 **23-19.17-3. Paper bag fee requirements.**

32 (a) For each paper bag provided to a customer, the retail sales establishment may collect
33 from customers, at the time of purchase, a paper bag fee of up to twenty-five cents (\$0.25).

34 (b) A retail sales establishment which collects a paper bag fee shall exempt a customer

1 from the paper bag fee when that customer uses an electronic benefits transfer (EBT) card or is
2 using a payment card or voucher issued by the state for the Supplemental Nutrition Assistance
3 Program (SNAP) or Special Supplemental Nutrition Program for Women, Infants, and Children
4 (WIC).

5 (c) All fees collected pursuant to this section shall be retained by the retail sales
6 establishment.

7 **23-19.17-4. Enforcement penalty.**

8 (a) This chapter shall be implemented, administered and enforced by the municipal police
9 departments, or any other department or division designated by their mayors or town managers.

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

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

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

19 **23-19.17-5. Ordinances.**

20 Municipalities are authorized to enact ordinances necessary to implement the purposes of
21 this chapter.

22 **23-19.17-6. Opt out election.**

23 A municipality may opt out of the provisions of this chapter by resolution of their
24 governing body or local ballot referendum any time prior to the effective date of this chapter.

25 SECTION 2. This act shall take effect on January 1, 2021.

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LC004162
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY - PLASTIC WASTE REDUCTION ACT

- 1 This act would prohibit large retail sales establishments from providing plastic checkout
2 bags and all retail establishments from providing expanded polystyrene disposable food
3 containers enforced by municipal police departments or other municipal designees with an opt out
4 provision.
5 This act would take effect on January 1, 2021.

LC004162

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO HEALTH AND SAFETY - PLASTIC WASTE REDUCTION ACT

Introduced By: Representatives McEntee, Handy, Regunberg, Fogarty, and Tanzi

Date Introduced: February 28, 2018

Referred To: House Finance

It is enacted by the General Assembly as follows:

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

CHAPTER 19.17

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23-19.17-1. Definitions.

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(4) "Parent and/or franchising company" means an entity that owns or controls other retail sales establishments which are legal entities in their own right or a business system in which private entrepreneurs purchase the rights to open and run a retail sales establishment location of a larger company.

(5) "Plastic checkout bag" means a carryout bag that is provided by a business to a customer for the purpose of transporting groceries or other retail goods, and is made from non-compostable plastic and not specifically designed and manufactured for multiple re-use.

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25 SECTION 2. This act shall take effect on January 1, 2021.

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LC005049
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BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY - PLASTIC WASTE REDUCTION ACT

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