



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB1597

Introduced 2/9/2017, by Sen. Terry Link

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Compostable Bags in Retail Establishments Act. Provides that no retail establishment in the State shall use or provide polyethylene or other non-compostable plastic film bags tinted green or brown for customers to bag products in stores, as carry out bags, or for home delivery. Provides that any film bags meeting the definition of compostable that retail establishments provide to customers for food or other products, such as vegetables bagged in stores prior to checkout, must be tinted green or brown and shall be clearly labeled "COMPOSTABLE", including language following the Federal Trade Commission's "Green Guides". Provides that no film bag that retail establishments provide to customers to bag products in stores, as carry out bags, or for home delivery may be labeled with the term "biodegradable", "degradable", "decomposable", or any similar terms, or in any way imply that the product will break down, fragment, biodegrade, or decompose in a landfill or other environment. Defines "carry out bag", "compostable", and "retail establishment". Effective January 1, 2018.

LRB100 08906 MJP 19049 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Compostable Bags in Retail Establishments Act.

6 Section 5. Definitions. As used in this Act:

7 "Carry out bag" means a bag that is provided by a retail  
8 establishment at the check stand, cash register, point of sale,  
9 or other point of departure to a customer for the purpose of  
10 transporting food or merchandise out of the establishment.  
11 "Carry out bag" does not include bags used by customers inside  
12 stores to package bulk items such as fruit, vegetables, nuts,  
13 grains, candy, greeting cards, or small hardware items, such as  
14 nails and bolts, or to contain or wrap frozen foods, meat or  
15 fish, whether prepackaged or not, or to contain or wrap flowers  
16 or potted plants, or other items where dampness may be a  
17 problem, or to contain unwrapped prepared foods or bakery  
18 goods, or to contain prescription drugs, or to safeguard public  
19 health and safety during the transportation of prepared  
20 take-out foods and prepared liquids intended for consumption  
21 away from the retail establishment; or newspaper bags,  
22 door-hanger bags, laundry-dry cleaning bags, or bags sold in  
23 packages containing multiple bags intended for use as garbage,

1 pet waste, or yard waste bags.

2 "Compostable" means that the product completely breaks  
3 down into a stable product due to the action of microorganisms  
4 in a controlled, aerobic commercial process that results in a  
5 material safe and desirable as a soil amendment, meets the  
6 compost standards under 35 Ill. Adm. Code 830.503, has been  
7 found to degrade satisfactorily at the composting facility  
8 receiving the material, meets industry standard specification  
9 ASTM D6400, and has been certified as compostable by the  
10 Biodegradable Products Institute or a similar national or  
11 international certification authority.

12 "Retail establishment" means any person, corporation,  
13 partnership, business venture, public sports or entertainment  
14 facilities, government agency, street vendor or vendor at  
15 public events or festivals, or organizations that sell or  
16 provide merchandise, goods, or materials including, without  
17 limitation, clothing, food, beverages, household goods, or  
18 personal items of any kind directly to a customer. "Retail  
19 establishment" includes, but is not limited to, department  
20 stores, clothing stores, jewelry stores, grocery stores,  
21 pharmacies, home improvement stores, liquor stores,  
22 convenience stores, gas stations, restaurants, food vending  
23 trucks, farmers markets, and temporary vendors of food and  
24 merchandise at street fairs and festivals. "Retail  
25 establishment" does not include food banks and other food  
26 assistance programs.

1           Section 10. Compostable bags; retail establishments. No  
2 retail establishment in the State shall use or provide  
3 polyethylene or other non-compostable plastic film bags tinted  
4 green or brown for customers to bag products in stores, as  
5 carry out bags, or for home delivery. Any film bags meeting the  
6 definition of compostable that retail establishments provide  
7 to customers for food or other products, such as vegetables  
8 bagged in stores prior to checkout, must be tinted green or  
9 brown and shall be clearly labeled "COMPOSTABLE", including  
10 language following the Federal Trade Commission's "Green  
11 Guides". No film bag that retail establishments provide to  
12 customers to bag products in stores, as carry out bags, or for  
13 home delivery may be labeled with the term "biodegradable",  
14 "degradable", "decomposable", or any similar terms, or in any  
15 way imply that the product will break down, fragment,  
16 biodegrade, or decompose in a landfill or other environment.

17           Section 99. Effective date. This Act takes effect January  
18 1, 2018.