

SB0303



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0303

Introduced 2/7/2007, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

415 ILCS 5/22.23c new

Amends the Environmental Protection Act. Creates the Plastic Carryout Bag Recycling Program. Requires retailers that distribute plastic carryout bags to consumers to implement a plastic carryout bag collection and recycling program. Sets out plastic carryout bag recycling program requirements. Provides that retailers subject to these provisions shall maintain records detailing the collection, transport, and recycling of plastic carryout bags distributed by the retailer. Provides that any manufacturer of plastic carryout bags shall develop educational marketing materials to encourage the reusing and recycling of plastic carryout bags, and shall make those materials available to retailers.

LRB095 08890 CMK 29077 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 5. The Environmental Protection Act is amended by
5 adding Section 22.23c as follows:

6 (415 ILCS 5/22.23c new)

7 Sec. 22.23c. Plastic Carryout Bag Recycling Program.

8 (a) As used in this Section:

9 "Consumer" means any person who makes a purchase at
10 retail for any purpose other than resale.

11 "Distributing plastic carryout bags to consumers"
12 means the act of a retailer giving to a consumer a plastic
13 carryout bag to store or transport goods purchased at
14 retail.

15 "Plastic carryout bag" means any plastic, latex, or
16 polypropylene bag.

17 "Purchase at retail" means the acquisition of the
18 ownership of or title to tangible personal property through
19 a sale at retail.

20 "Retailer" means a person engaged in the business of
21 making sales at retail that owns or controls more than
22 10,000 square feet of retail space that generates
23 occupation or use tax revenue.

1 "Reusable bag" means (i) a bag made of cloth or other
2 machine washable fabric that has handles, or (ii) a durable
3 plastic bag with handles that is at least 2.25 mils thick
4 and is specifically designed and manufactured for multiple
5 uses.

6 (b) By July 1, 2008, all retailers distributing plastic
7 carryout bags to consumers as part of a purchase at retail
8 shall:

9 (1) implement a plastic carryout bag collection
10 program that facilitates the return and recycling of
11 plastic carryout bags distributed to consumers;

12 (2) provide a clearly marked receptacle for the
13 collection of plastic carryout bags that is in a convenient
14 location for that retailer's consumers;

15 (3) arrange for the pick-up, transport, and recycling
16 of plastic carryout bags deposited in the collection
17 receptacles by consumers; and

18 (4) make reusable bags available for purchase by
19 consumers, as an alternative to plastic carryout bags.

20 (c) Any plastic carryout bag distributed to consumers must
21 have a message printed on the bag, in a manner clearly visible
22 to the consumer, stating that a collection bin is available at
23 the retail location for the purpose of collecting and recycling
24 plastic carryout bags.

25 (d) Retailers subject to the provisions of this Section
26 shall maintain records detailing the collection, transport,

1 and recycling of plastic carryout bags distributed by the
2 retailer. The records must be kept for a minimum of 3 years and
3 must be made available, upon request, to the Environmental
4 Protection Agency or the entity with local jurisdiction over
5 creating a Solid Waste Management Plan pursuant to the Solid
6 Waste Planning and Recycling Act.

7 (e) All manufacturers of plastic carryout bags in this
8 State shall develop educational marketing materials to
9 encourage the reusing and recycling of plastic carryout bags
10 and shall make those materials available to retailers required
11 to comply with this Section.

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