

Amendment to HB 559

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to point of sale bags.
4

5 Amend the bill by replacing all after the enacting clause with the following:
6

7 1 Purpose; Solid Waste Management Methods. In accordance with RSA 149-M:2 and RSA 149-
8 M:3, this act is intended to reduce the number and volume of point of sale, single use bags in the
9 state's waste stream and in the environment by establishing source reduction as the preferred waste
10 management method. The act also encourages consumers to utilize re-usable bags instead of paper
11 or plastic by requiring bags of a certain size and distributed at the point of sale to be made of
12 recycled materials and which are themselves recyclable and reusable. The act also requires the
13 department to hold a stakeholders review of the act's effectiveness after it has been in effect for 2
14 years and to recommend changes as appropriate. Finally, while the reduction of single-use bags is
15 the goal of this act, the legislature recognizes that the importance of industry led programs to
16 encourage consumer recycling of single-use plastics. Those efforts are complimentary to this
17 legislation.

18 2 New Subdivision; Point of Sale Bags. Amend RSA 149-M by inserting after section 60 the
19 following new subdivision:

20 Point of Sale Bags

21 149-M:61 Point of Sale Bags.

22 I. Point of sale bags refers to bags that are distributed to customers at a checkout counter,
23 line, or other final spot in a retail environment, where payment for goods is made. Any bag that is
24 greater in size than 150 square inches shall meet one of the following standards:

25 (a) Plastic bags shall be made of recycled plastic and be at least 4 mils in thickness. The
26 bags shall be visibly labeled as "made from recycled material" and "recyclable and reusable."
27 Businesses that distribute bags using this standard shall charge customers a fee of 10 cents per bag
28 up to a maximum of 50 cents per purchase. The fee shall be retained by the business.

29 (b) Paper bags shall be made of recycled paper defined as 100 percent recyclable
30 containing a minimum of 40 percent post-consumer recycled materials. The bag shall be visibly
31 labeled as "made from recycled materials" and "recyclable and reusable." Businesses that distribute

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1 bags using this standard shall charge customers a fee of 10 cents per bag up to maximum of 50 cents
2 per purchase. The fee will be retained by the business.

3 II. All other reusable bags bought by or sold to the consumer are exempt from this
4 subdivision.

5 III. The department of environmental services shall form a focus group of stakeholders 24
6 months after the effective date of this section to review its effectiveness in achieving the solid waste
7 goals defined in RSA 149-M:3, and recommend changes to help support the goal of source reduction.

8 3 Enforcement. Amend RSA 149-M:5 to read as follows:

9 149-M:5 Administration and Enforcement.

10 **I.** The department shall administer and enforce this chapter. The department is hereby
11 named as the state agency for planning and regulating solid waste management.

12 **II. This section shall not apply to RSA 149-M:61, unless such enforcement is**
13 **determined necessary by the stakeholder review conducted by the department under RSA**
14 **149-M:61, III.**

15 4 Effective Date. This act shall take effect one year after its passage.

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AMENDED ANALYSIS

This bill requires businesses to charge customers for single-use bags.