

Amendment to HB 1701-FN

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

2
3 AN ACT relative to the recycling of film plastics.
4

5 Amend the bill by replacing all after the enacting clause with the following:
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7 1 Purpose and Findings. The general court finds plastic is a major, problematic component of
8 New Hampshire's waste stream. Too much is disposed in our landfills and litters our landscape
9 harming wildlife and the public health. It does not decompose. Plastic use should be reduced and
10 plastic products reused, but when this is not possible, it should be recycled. Many retailers provide
11 plastic carry out bags and sell products packaged in film plastic, resulting in too much plastic in the
12 waste stream. Film plastics are virtually impossible to recycle because municipalities do not accept
13 them for recycling. Film plastics mistakenly placed in recycling bins cost municipalities money
14 because they contaminate other recyclable materials decreasing their value and recyclability. They
15 clog recycling sorting machinery at materials recovery facilities, require physical removal from the
16 recycling stream, and cause expensive delays. Increased film plastics recycling will benefit the
17 public's health and the economy.

18 2 New Subdivision; Recycling of Film Plastics. Amend RSA 149-M by inserting after section 60
19 the following new subdivision:

20 Recycling of Film Plastics

21 149-M:61 Definitions. In this subdivision:

22 I. "Film plastic" means uncontaminated non-rigid film plastic packaging products composed
23 of plastic resins, which include plastic carryout bags, food storage bags, bubble wrap, dry cleaning
24 bags, and shrink-wrap.

25 II. "Operator" means a person in control of, or having daily responsibility for, the daily
26 operation of a store which may include but is not limited to the owner of the store.

27 III. "Plastic carryout bag" means a plastic carryout bag provided by a store to a customer at
28 the point of sale made from film plastic and not specifically designed and manufactured to be
29 reusable.

30 IV. "Recycler" means an entity accepting film plastics for recycling.

31 V. "Reusable bag" means:

32 (a) A bag made of cloth or other machine washable fabric that has handles; or

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1 (b) A durable plastic bag with handles that is specifically designed and manufactured for
2 multiple reuse.

3 VI. "Store" means a retail establishment, excluding food service establishments licensed
4 under RSA 143-A or by a municipality, that provides plastic carryout bags to its customers as the
5 result of the sale of a product, or sells products packaged in film plastic; and

6 (a) Has over 15,000 square feet of retail space; or

7 (b) Is part of a chain engaged in the same general field of business, which operates 3 or
8 more units of over 5,000 square feet each of retail space in this state under common ownership and
9 management, or over 6,000 square feet each of retail space, if the unit operated by the chain covered
10 by this paragraph is occupied by 2 or more businesses.

11 149-M:62 Store Operator Duties.

12 I. The operator of a store shall establish a film plastics recycling program at its store
13 pursuant to this subdivision, which provides an opportunity for a customer of the store to return to
14 the store film plastics.

15 II. A retail establishment that does not meet the definition of a store and that provides
16 plastic carryout bags to customers or sells products packaged in film plastic may adopt a film
17 plastics recycling program at its location.

18 III. Store operators that have over 15,000 square feet of retail space shall have 18 months
19 from the effective date of this subdivision to establish a film plastics recycling program. All other
20 store operators shall have one year from the effective date of this subdivision to establish a film
21 plastics recycling program.

22 IV. Retail establishments providing plastic carry-out or other film plastic bags to customers,
23 for free or for purchase, are encouraged to provide such bags with at least 20 percent post-consumer
24 recycled plastic content to help promote the development of plastic recycling markets.

25 149-M:63 Film Plastic Recycling Program Requirements. A film plastics recycling program
26 provided by the operator of a store shall:

27 I. Provide a collection bin that is visible, easily accessible to the consumer, and clearly
28 marked that the collection bin is available for the purpose of collecting and recycling film plastics,
29 including examples of recyclable film plastics that may be deposited in the bins. This subdivision
30 shall not apply to stores within an enclosed shopping mall unless such stores contain at least 50,000
31 square feet within an enclosed shopping mall. In the case of an enclosed shopping mall, the owner of
32 the enclosed shopping mall shall place bins at reasonable intervals throughout the enclosed mall
33 area.

34 II. Collect, transport, and recycle all film plastics collected by the store along with any other
35 in-store plastic recycling, except for film plastic bags that are not sufficiently free of foreign material
36 to enter the recycling stream. Film plastics collected by the store or a recycler pursuant to a film

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1 plastics recycling program shall be recycled and shall not be disposed of in any solid waste disposal
2 facility.

3 III. Maintain, for a minimum of 2 years, records describing the collection, transport, and
4 recycling of film plastics collected by weight, provided however, that a store or its agents may weigh
5 such plastics and any other in-store plastic recycling at a regional collection center. Such records
6 shall be made available to the department upon request, to demonstrate compliance with this
7 subdivision.

8 IV. Make reusable bags available to customers within the store for purchase, and allow the
9 use of a reusable bag in lieu of a plastic carryout bag or paper bag.

10 V. Register with the department of environmental services upon the start of a film plastics
11 recycling program or a change in ownership of the store where a film plastics recycling program is
12 already in place.

13 149-M:64 Recycler Responsibilities. When a recycler accepts film plastics for return, it or its
14 agent shall maintain, for a minimum of 2 years, records describing the collection, transport, and
15 recycling of film plastics collected by weight, provided that the recycler or its agents may weigh such
16 plastics and any other plastic resins at a regional collection center. Such records shall be made
17 available to the department of environmental services upon request, to demonstrate compliance with
18 this subdivision.

19 149-M:65 Departmental Duties; Rulemaking.

20 I. The department of environmental services shall develop educational materials regarding
21 film plastics that can be recycled in film plastics recycling programs for use by operators required to
22 comply with this subdivision in their stores, including standardized signage for use at collection
23 sites. Educational materials shall be available at least one month before an operator is required to
24 comply with this subdivision.

25 II. The department shall provide information regarding film plastics recyclers including
26 their addresses and phone numbers to stores required to comply with this subdivision, upon request.

27 III. The department shall adopt rules, pursuant to RSA 541-A, necessary to implement the
28 provisions of this subdivision, including the information on registration forms required under RSA
29 149-M:63.

30 149-M:66 Penalties. Any person who violates the provisions of this subdivision shall be given a
31 warning for the first violation and shall be subject to a fine for subsequent violations. The fine for a
32 second violation shall be \$250 and the penalty for a third or subsequent violation shall be \$500.

33 3 Effective Date. This act shall take effect upon its passage.