



The Beyond Plastics Bill:

A Model Local Law to Ban Single-Use Plastic Bags, Straws, Stirrers, and Splash Guards, Polystyrene, and Intentional Balloon Releases

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Section 1. Definitions

- A. BAG FEE – see RECYCLED PAPER BAG FEE.
- B. BALLOON – The term “balloon” means an inflatable object made from the following materials, including but not limited to: plastic, latex, Mylar, metallized nylon, and metallized plastic.
- C. CARRYOUT BAG – The term “carryout bag” means a bag that is provided by a retail sales establishment or a food and beverage vendor to a customer at the point of sale, regardless of material type.
- D. DEPARTMENT – The term “department” means the [INSERT NAME OF LOCAL AGENCY].
- E. DISPOSABLE FOOD OR BEVERAGE PACKAGING – for the purposes of this bill, “Disposable food or beverage packaging” means –
 - a. A bowl, carton, clamshell container, cup, plate, lid, straw, tray, utensil or other item designed for one-time use to package, contain, or aid in the consumption of foods or beverages for transportation, sale, or distribution; or
 - b. All packaging used to contain foods and beverages prepared by food or beverage vendors, including take-out food and beverages, and leftovers from partially-consumed meals.
- F. FOOD OR BEVERAGE VENDOR – The term “food or beverage vendor” means an operation that stores, prepares, packages, serves, vends, distributes, or otherwise provides food or beverages for human consumption, including but not limited to any establishment requiring a permit to operate in accordance with the State Food Code.

- G. **PLASTIC FILM OR SHEET**– For the purposes of this bill, the term “plastic film or sheet” means any flexible, continuous polymeric material, regardless of gauge or thickness.
- H. **PACKAGING MATERIAL** – for the purposes of this bill, “packaging material” means a discrete material or category of material that is used for the containment, protection, handling, delivery, transport, distribution, or presentation of another product that is sold, offered for sale, imported, or distributed in the state.
- I. **PLASTIC** – The term “plastic” means a material that contains one or more organic polymer substances of large molecular weight as an essential ingredient.
- J. **POLYSTYRENE** – The term “polystyrene” means any food, beverage, or other packaging materials made from a styrene monomer, including but not limited to –
- a. Expanded polystyrene (EPS), which is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene); or
 - b. Clear or solid polystyrene, which is known as “oriented polystyrene.”
- K. **POST-CONSUMER RECYCLED MATERIAL** –
- a. **IN GENERAL** – The term “post-consumer recycled material” means a material that has completed its intended end use and product life cycle that would otherwise be destined for solid waste disposal.
 - b. **EXCEPTION** – The term “post-consumer recycled material” does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.
- L. **RECYCLABLE** – The term “recyclable” means a product or packaging material a) that can be sorted by entities that process post-consumer materials generated in the United States, b) that has a consistent market for purchase by end users in the production of new products, and c) which can be recycled with minimal losses of material during processing and manufacturing. “Recyclable” does not include material processed through advanced recycling, chemical recycling, combustion, gasification, incineration, pyrolysis, hydrolysis, methanolysis, solvolysis, thermal desorption, enzymatic breakdown, waste-to-energy, waste-to-fuel, or any other chemical conversion process used to transform plastic or plastic-derived materials into plastic monomers, chemicals, waxes, lubricants, chemical feedstocks, crude oil, diesel, gasoline, or home heating oil.
- M. **RECYCLED PAPER BAG** – The term “recycled paper bag” means a paper bag that –
- a. Contains a minimum of 50 percent post-consumer recycled content; and
 - b. Is 100 percent recyclable.
- N. **RECYCLED PAPER BAG FEE** – The term “recycled paper bag fee” means a non-refundable fee of 10 cents or more that is charged by a retail sales establishment or a food or beverage vendor to the customer for each recycled paper bag used to contain the customer’s purchased goods.

- O. **RETAIL SALES ESTABLISHMENT** – The term “retail sales establishment” means any person, corporation, partnership, business venture, or vendor that sells or provides merchandise, goods or materials directly to a customer, whether for profit or not for profit, including but not limited to restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, clothing stores, hardware stores, department stores, jewelry stores, and household goods stores.
- P. **REUSABLE BAG** – The term “reusable bag” means a sewn bag with stitched handles that –
- Is not made of plastic film, sheet, or fibers;
 - Is specifically designed and manufactured for at least 175 uses;
 - Can carry 25 pounds over a distance of 300 feet; and
 - Is machine-washable and can be placed in a dryer.
- Q. **SINGLE-USE CARRYOUT BAG** – The term “carryout bag” means a bag provided by a retail sales establishment or a food or beverage vendor at the point of sale that is not a reusable bag, regardless of material type.
- R. **SINGLE-USE PLASTIC STRAW** –
- IN GENERAL** – The term “single-use plastic straw” means a single-use, disposable tube made of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, used to transfer a beverage from a container to the mouth of the person drinking the beverage.
 - EXCEPTION** – The term “single-use plastic straw” shall not include straws made from non-plastic materials, including, but not limited to metal, glass, paper, pasta, sugar cane, wood, or bamboo;
- S. **SINGLE-USE PLASTIC STIRRER** – The term “single-use plastic stirrer” means a device that is used to mix beverages and designed as a single-use product made of plastic.
- T. **SINGLE-USE PLASTIC SPLASH GUARD** – The term “single-use plastic splash guard” means a device that fits into the sip-hole of a beverage container lid to prevent a beverage from splashing and is designed as a single-use product made of plastic.

Section 2. Prohibition of Polystyrene Food and Beverage Packaging, Polystyrene Packaging Material, Single-Use Carryout Bags, Plastic Straws, Plastic Stirrers, and Plastic Splash Guards

- A. **Polystyrene Food and Beverage Packaging:** after ([insert date](#)), no business or person may sell or provide in ([insert name of locale](#)) any food or beverage package composed in whole or in part of polystyrene. The following shall be effective immediately subject to this subsection:
- No retail sales establishment or food or beverage vendor shall serve or sell prepared food or beverage in polystyrene packaging and shall not package meats, eggs, bakery products, fruits or vegetables, or other food in polystyrene packaging;
 - No retail sales establishment that sells tangible personal property at retail shall sell or distribute polystyrene food or beverage packaging;

- c. No polystyrene food or beverage packaging shall be used in any government facility or at any government-sponsored event;
- d. No government department or facility shall purchase or acquire polystyrene food or beverage containers or trays, or polystyrene packaging materials;
- e. All parties who contract with the government shall be prohibited from using polystyrene food and beverage packaging in government facilities or on government-funded projects within (insert name of locale).

B. Polystyrene Packaging Material: after (insert date), no person may sell or provide in (insert name of locale) any packaging material products composed in whole or in part of polystyrene, including, but not limited to, polystyrene packing peanuts. The following shall be effective immediately subject to this subsection:

- a. No retail sales establishment that sells tangible personal property at retail shall sell or use polystyrene packaging [unless it was inserted/used by the original equipment manufacturer (OEM)]¹ ;
- b. No polystyrene packaging materials shall be used in any government facility or government sponsored event;
- c. No government department or facility shall purchase or acquire polystyrene packaging materials;
- d. All parties who contract with the government shall be prohibited from using polystyrene packaging materials in government facilities or on government-funded projects within (insert name of locale).

C. Single-Use Carryout Bags: after (insert date), except as provided in this subsection, a retail sales establishment shall not provide a single-use carryout bag to a customer at the point of sale or otherwise make single-use carryout bags available to customers. This prohibition does not apply to:

- a. Recycled paper bags for which a retail sales establishment or food or beverage vendor charges a 10-cent recycled paper bag fee, as defined in section 4 of this title.
- b. Laundry, dry cleaning, or garment bags, including bags provided by hotels to guests to contain wet or dirty clothing;
- c. Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste;
- d. Bags used to contain or transport live animals, such as fish or insects sold in pet stores;
- e. Bags used to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals sold at the retail level, provided that this exemption shall be limited to one bag per customer.

¹ If this policy is to be adopted at the state level, remove the bracketed clause (reference to OEM).

- D. **Single-Use Plastic Straws:** after (insert date), a food or beverage vendor shall not provide a single-use plastic straw to a customer, unless that customer verbally or electronically requests a plastic straw.
- E. **Single-Use Plastic Stirrers:** after (insert date), a food or beverage vendor shall not provide a single-use plastic stirrer to a customer.
- F. **Single-Use Plastic Splash Guards:** after (insert date), a food or beverage vendor shall not provide a single-use plastic splash guard to a customer.

Section 3. Reusable Bags

- a. After (insert date), any retail sales establishment or third-party service that provides home delivery or in-store pickup shall accept for return any reusable bags used to deliver customer purchases. Such reusable bags must be reused by the retail sales establishment or third-party service unless they have been damaged to the point of not functioning for the intended purpose.

Section 4. Recycled Paper Bags

- a. After (insert date), a retail sales establishment shall make available to customers a recycled paper bag for a fee of no less than 10 cents per bag. This fee shall be increased by a minimum of two cents every five years after the first year of the effective date of this Act.
- b. After (insert date), a retail sales establishment may not make available paper bags that contain less than 50% post-consumer recycled material.
- c. A retail sales establishment which collects a bag fee charge under Section 4(a) shall exempt a customer from the paper bag fee when that customer uses an electronic benefits transfer (EBT) card or is using a payment card or voucher issued by the Supplemental Nutrition Assistance Program (SNAP) or Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).
- d. Fees collected pursuant to this section shall be given to the government body that adopted the law. The collected fees shall be used to purchase non-plastic, reusable bags to be made available to low-income residents and senior citizens and/or to support local waste reduction and recycling programs.

Section 5. Implementation

- a. After (insert date), the municipal (insert name of local Department) shall design and post for free usage on the municipal website educational materials for display in retail sales establishments. Educational materials shall include the following elements, including but not limited to –
 - i. An announcement of the effective date of this ordinance;
 - ii. A reminder to bring reusable bags; and
 - iii. A reminder of the mandatory recycled paper bag fee of 10 cents or more.
- b. After (insert date), the municipal (insert name of local Department) shall issue a news release including –

- i. An announcement of the effective date of this ordinance;
 - ii. A reminder to bring reusable bags; and
 - iii. A reminder of the mandatory recycled paper bag fee of 10 cents or more.
- c. The municipal (**insert name of local Department**) shall provide a written notice to each affected establishment at least 90 days prior to the effective date of this ordinance.
- d. The Commissioner of (**insert name of local Department**) may promulgate rules and regulations to implement Sections 2 and 3 of this Chapter.
- e. A retail sales establishment affected by regulations pursuant to Section 2(b) of this ordinance shall clearly and visibly display at the store entrance and at each check-out counter or register signage developed by the (**insert name of local Department**), as described in Section 3(f) of this ordinance.

Section 6. Prohibition of Plastic Balloon Releases

- a. After (**insert date**), no person shall knowingly release or intentionally cause to be released outdoors any plastic balloon constructed of electrically conductive material or non-electrically conductive material and filled with helium or a gas lighter than air.
- b. EXCEPTIONS – Section (a) shall not apply to –
 - i. Balloons which are used for the purpose of carrying scientific instrumentation during the performance of an experiment or test by a person on behalf of an experiment or test or by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes; or
 - ii. Occupied hot air balloons

Section 7. Enforcement and Penalties

- a. Upon being made aware of a potential violation of this ordinance, the (**insert name of local Department**) shall determine whether a violation has occurred.
- b. If (**insert name of the local Department**) confirms that a violation has occurred, the (**insert name of local Department**) shall give written notice to the owner of the property, the owner's agent, and/or the person committing the violation that the violation is occurring and must immediately cease.
- c. If an additional violation of this ordinance occurs within one month after a warning notice is issued for an initial violation, the (**insert name of local Department**) shall issue a notice of violation and shall impose a penalty against the noncompliant party;
- d. The penalty for each violation that occurs after the issuance of the warning notice shall be no more than;
 - i. \$1,000 for the first offense;
 - ii. \$2,000 for the second offense and all subsequent offenses.
- e. Payment of such fines may be enforced through civil action.