



Sen. Cristina Castro

Filed: 3/12/2025

10400SB1872sam001

LRB104 08580 BDA 23571 a

1 AMENDMENT TO SENATE BILL 1872

2 AMENDMENT NO. _____. Amend Senate Bill 1872 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Single-Use Plastic Bag Reduction Act.

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

7 "Agency" means the Illinois Environmental Protection
8 Agency.

9 "Consumer" means any person who makes a purchase at
10 retail.

11 "Person" means an individual, natural person, public or
12 private corporation, government, partnership, unincorporated
13 association, or other entity.

14 "Plastic" means an organic or petroleum-derived synthetic
15 or semisynthetic solid material synthesized by the
16 polymerization of organic substances that is moldable into

1 various rigid and flexible forms and to which additives or
2 other substances may have been added. "Plastic" does not
3 include natural polymers that have not been chemically
4 modified.

5 "Primarily engaged in the sale of ready-to-eat food for
6 immediate consumption" means having sales of ready-to-eat food
7 for immediate consumption comprising at least 51% of the total
8 sales, excluding the sale of liquor.

9 "Recycled paper bag" means a paper bag that:

- 10 (1) is 100% recyclable; and
11 (2) contains at least 40% post-consumer recycled
12 material.

13 "Restaurant" means any business that is primarily engaged
14 in the sale of ready-to-eat food for immediate consumption.

15 "Retail mercantile establishment" means a business that
16 makes sales at retail and generates occupation or use tax
17 revenue. "Retail mercantile establishment" does not include a
18 restaurant or a small retail mercantile establishment.

19 "Reusable bag" means a bag with threaded stitched handles
20 that:

- 21 (1) is designed and manufactured for multiple uses;
22 (2) can carry 22 pounds for a distance of 175 feet; and
23 (3) is made of cloth, fiber, or other fabric or
24 recycled material that is machine washable and can be
25 cleaned and disinfected regularly.

26 "Single-use checkout bag" means a single-use plastic bag

1 that is provided by a retail mercantile establishment at the
2 checkout, cash register, or point of sale to a consumer for the
3 purpose of transporting goods out of the retail mercantile
4 establishment and that is not a recycled paper bag or reusable
5 bag. "Single-use checkout bag" does not include:

6 (1) a bag that is used to package bulk items, such as
7 fruit, vegetables, nuts, grains, or candy;

8 (2) a bag that is used for greeting cards, balloons,
9 or small hardware items, such as nails and bolts;

10 (3) a bag that is used to contain or wrap frozen foods,
11 meat, or fish, whether prepackaged or not;

12 (4) a bag that is used to contain or wrap flowers or
13 potted plants or other items where dampness may be a
14 problem;

15 (5) a bag that is used to contain unwrapped prepared
16 foods or bakery goods;

17 (6) a bag that is used to contain prescription drugs;

18 (7) a bag that is sold in packages containing multiple
19 bags intended for use as garbage bags, pet waste bags, or
20 yard waste bags;

21 (8) a bag that is brought to a store by the consumer
22 for the consumer's own use or to carry away from the store
23 goods that are not placed in a bag provided by the store;

24 (9) a bag that is provided by a dine-in or take-out
25 restaurant to contain food or drink purchased by the
26 restaurant's consumers;

1 (10) a bag containing a plastic liner that is
2 permanently affixed, or designed and intended to be
3 permanently affixed, to the inside of the particular bag;

4 (11) a newspaper bag, door-hanger bag, laundry
5 cleaning bag, garment bag; or

6 (12) a bag that is used for online or digital orders
7 where an employee of the retail mercantile establishment
8 packages the goods for curbside pick-up or delivery.

9 "Small retail mercantile establishment" means a retail
10 mercantile establishment that (i) has 12 or fewer locations in
11 the State and employs 250 or fewer employees in the United
12 States or (ii) is a retailer, as defined under the Motor Fuel
13 and Petroleum Standards Act, and occupies less than 5,000
14 square feet.

15 Section 10. Single-use checkout bag prohibition. Beginning
16 January 1, 2028, a retail mercantile establishment shall not
17 offer a single-use checkout bag to consumers at the point of
18 sale or otherwise make a single-use checkout bag available to
19 consumers. A retail mercantile establishment may offer a
20 recycled paper bag or reusable bag to consumers.

21 Section 15. Recycled paper bag fees.

22 (a) If a retail mercantile establishment offers a recycled
23 paper bag to consumers, the retail mercantile establishment
24 shall charge a fee of at least \$0.10 per recycled paper bag

1 offered to a consumer.

2 (b) All amounts collected pursuant to this Section are
3 retained by the retail mercantile establishment and may be
4 used for any lawful purpose.

5 (c) A retail mercantile establishment may not rebate or
6 otherwise reimburse a customer any portion of the fee charged
7 under this Section.

8 (d) The fee imposed under this Section does not apply to
9 recycled paper bags that are used to carry items purchased
10 pursuant to the Supplemental Nutrition Assistance Program, the
11 special supplemental nutrition program for Women, Infants, and
12 Children, or a similar governmental food assistance program.

13 Section 20. Education material and signage.

14 (a) Every retail mercantile establishment subject to the
15 single-use checkout bag prohibition and collection of the
16 recycled paper bag fee shall conspicuously display a sign in a
17 location outside or inside of the establishment, viewable by
18 customers, alerting customers to the state's single-use
19 checkout bag prohibition and recycled paper bag fee.

20 (b) The Agency shall develop educational and promotional
21 material, including a sign that complies with subsection (a)
22 of this Section, regarding the State's single-use checkout bag
23 prohibition and recycled paper bag fee. The Agency shall make
24 the material available on the Agency's website for use by
25 retail mercantile establishments that are subject to the

1 requirements of this Act.

2 Section 25. Enforcement.

3 (a) A person who violates any provision of this Act shall
4 be liable for a civil penalty of up to \$250 for the first
5 offense within a 12-month period; a civil penalty of up to \$500
6 for a second offense within a 12-month period; and a civil
7 penalty of up to \$1,000 for a third or subsequent offense
8 within a 12-month period.

9 (b) Any violation of this Act may be enforced by the
10 Attorney General or the State's Attorney of the county in
11 which the violation occurs. The penalties provided for in
12 subsection (a) may be recovered in a civil action brought in
13 the name of the people of the State of Illinois by the State's
14 Attorney of the county in which the violation occurred or by
15 the Attorney General. Any penalties collected under this
16 Section in an action in which the Attorney General has
17 prevailed shall be deposited into the Environmental Protection
18 Trust Fund, to be used in accordance with the provisions of the
19 Environmental Protection Trust Fund Act. The Attorney General
20 or the State's Attorney of a county in which a violation occurs
21 may institute a civil action for an injunction, prohibitory or
22 mandatory, to restrain violations of this Act or to require
23 such actions as may be necessary to address violations of this
24 Act.

25 (c) The penalties and injunctions provided in this Act are

1 in addition to any penalties, injunctions, or other relief
2 provided under any other law. Nothing in this Act bars a cause
3 of action by the State for any other penalty, injunction, or
4 other relief provided by any other law.

5 Section 30. Municipal plastic bag audits; home rule. The
6 power to audit taxes or fees on the collection, remittance,
7 and payment of any taxes on plastic bags, however defined, is
8 an exclusive power and function of the State. A municipality,
9 including a home rule municipality, may not conduct a
10 financial audit, with respect to the provision of plastic
11 bags, of any person that provides a plastic bag to a consumer.
12 This Section is a denial and limitation of home rule powers and
13 functions under subsection (h) of Section 6 of Article VII of
14 the Illinois Constitution.

15 Section 35. Regulation of checkout bags; home rule. A
16 municipality or county, including a home rule unit, may not
17 regulate in any manner the use, disposition, content,
18 taxation, or sale of any checkout bag, however defined, that
19 is provided by a retail mercantile establishment at the
20 checkout, cash register, point of sale, or other point of
21 departure to a consumer for the purpose of transporting goods
22 out of the retail mercantile establishment. This Section is a
23 denial and limitation of home rule powers and functions under
24 subsection (g) of Section 6 of Article VII of the Illinois

1 Constitution."