



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB0334

Introduced 1/27/2009, by Rep. Jack D. Franks

#### SYNOPSIS AS INTRODUCED:

New Act  
415 ILCS 82/Act rep.

Creates the Grocers' Mandatory Plastic Bag Recycling Act. Requires the owner of each grocery store in Illinois to implement a plastic bag recycling program within 90 days after the effective date of this Act. Requires the plastic bag recycling program to (i) facilitate the return and recycling of plastic bags that the grocery store has distributed to consumers, (ii) provide for the placement of a plastic bag collection bin in each store at a location that is visible and easily accessible to consumers, (iii) provide for the marking of each plastic bag collection bin in a manner that indicates to consumers that the collection bin is being made available by the grocery store for the purpose of collecting and recycling plastic bags that it has distributed to consumers, and (iv) make arrangements for the pick-up, transport, and recycling of plastic bags that were distributed to consumers by the grocery store and later deposited into its plastic bag collection bin. Imposes civil penalties for violations. Defines "consumer", "distributed to consumer", "food products", "grocery store", "plastic bag", and "purchase at retail". Repeals the Plastic Bag Recycling Act. Effective immediately.

LRB096 03319 JDS 13340 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 1. Short title. This Act may be cited as the  
5 Grocers' Mandatory Plastic Bag Recycling Act.

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

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

9 "Distributed to consumers" means that a retailer has given  
10 a consumer a plastic bag to store or transport goods purchased  
11 at retail.

12 "Food products" means fresh, canned, packaged, and frozen  
13 foods intended for human consumption off the premises.

14 "Grocery store" means a retail facility that contains more  
15 than 10,000 square feet of floor-space devoted to making food  
16 products and nonfood grocery products available to consumers  
17 for purchase at retail.

18 "Plastic bag" means any plastic, latex, or polypropylene  
19 bag.

20 "Purchase at retail" means the acquisition of the ownership  
21 of or title to tangible personal property through a sale at  
22 retail.

1 Section 10. Mandatory Plastic Bag Recycling Program.

2 (a) No later than 90 days after the effective date of this  
3 Act, the owner of each grocery store located in the State of  
4 Illinois must implement a plastic bag recycling program at the  
5 grocery store or stores that he or she owns in the State.

6 (b) The plastic bag recycling program required by  
7 subsection (a) must:

8 (1) facilitate the return and recycling of plastic bags  
9 that the grocery store has distributed to consumers;

10 (2) provide for the placement of a plastic bag  
11 collection bin at a location in the grocery store that is  
12 visible and easily accessible to consumers;

13 (3) provide for the marking of each plastic bag  
14 collection bin in a manner that indicates to consumers that  
15 the collection bin is being made available by the grocery  
16 store for the purpose of collecting and recycling plastic  
17 bags that it has distributed to consumers; and

18 (4) make arrangements for the pick-up, transport, and  
19 recycling of plastic bags that were distributed to  
20 consumers by the grocery store and later deposited into its  
21 plastic bag collection bin.

22 Section 15. Penalties.

23 (a) An owner of a grocery store located in the State of  
24 Illinois who violates this Act is liable for a civil penalty of  
25 \$500 for the first violation of this Act, \$1,000 for the second

1 violation of this Act, and \$2,000 for each third and subsequent  
2 violation of the Act.

3 (b) The penalties provided for in this Section may be  
4 recovered in civil actions brought by the Attorney General or  
5 the State's Attorney of the county in which the violation  
6 occurred.

7 (c) Any penalty collected by the Attorney General under  
8 this Section must be deposited into the Environmental  
9 Protection Trust Fund. Any penalty collected by a State's  
10 Attorney under this Section must be deposited into a special  
11 fund in the treasury of the county in which the violation  
12 occurred and may be expended by the office of that county's  
13 State's Attorney only for law-enforcement purposes.

14 (415 ILCS 82/Act rep.)

15 Section 990. The Plastic Bag Recycling Act is repealed.

16 Section 999. Effective date. This Act takes effect upon  
17 becoming law.