



SPONSOR: Rep. Brady

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1
TO
HOUSE BILL NO. 212

1 AMEND House Bill No. 212 by deleting lines 42 through 44 in their entirety and inserting in lieu thereof the
2 following and redesignating accordingly:

3 “a. Is ~~either~~ a bag made of cloth or other durable fabric that has stitched handles, ~~handles, or is a durable~~
4 ~~plastic bag with handles that is at least 2.25 mils thick.~~

5 ~~b. is designed and manufactured to be used for at least 125 uses.”.~~

6 FURTHER AMEND House Bill No. 212 by deleting lines 50 through 54 in their entirety. and inserting in lieu
7 thereof the following:

8 “~~f. Complies with 16 C.F.R. § 260.12 related to recyclable claims if the reusable grocery bag producer makes~~
9 ~~a claim that the reusable grocery bag is recyclable.~~

10 ~~g. A reusable carryout bag made from plastic film shall also meet the following requirements: it shall be~~
11 ~~capable of carrying 22 pounds over a distance of 175 feet for a minimum of 125 uses and be at least 2.25 mils thick,~~
12 ~~measured according to the American Society of Testing Materials (ASTM) Standard D6988.13.”.~~

13 FURTHER AMEND House Bill No. 212 by deleting lines 96 and 97 and inserting in lieu thereof the
14 following:

15 “f. Bags provided to contain an unwrapped food item.”

16 FURTHER AMEND House Bill No. 212 between lines 120 and 121 by inserting the following:

17 “(h)(1) A violation of this section, with such determination thereof being made by the Department, shall result
18 in civil liability or administrative penalty in an amount up to \$500 for the first violation, up to \$1,000 for the
19 second violation, and up to \$2,000 for the third, and each subsequent, violation.

20 (2) Any civil penalties collected in accordance with paragraph (h)(1) of this section shall be paid to the
21 Department. The penalties collected pursuant to this section by the Department shall be expended by the
22 Department, upon appropriation by the General Assembly, to assist in funding enforcement and furtherance of the
23 intent of this section.

- 24 ~~(i) This subchapter shall become effective on December 1, 2009.~~
- 25 ~~(j) All stores subject to this section shall register with the Department by June 30, 2018, on a form provided~~
- 26 ~~by the Department. Information required n the form will relate to compliance with this section.”.~~

SYNOPSIS

This Amendment removes language allowing some plastic bags and returns to language that already allowed for bags containing prepared foods and baked goods. This Amendment removes the separate enforcement provisions in §6099A(h)(1) and (h)(2), thus placing enforcement under the Department’s general administrative enforcement powers.