

1 **H. B. 4598**

2
3 (By Delegates Manchin, Caputo, Doyle, Guthrie,
4 Longstreth, Manypenny, Moore, Pino,
5 M. Poling and Staggers)
6

7 [Introduced February 17, 2012; referred to the
8 Committee on the Judiciary.]
9

10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §22-15A-15, relating
12 to the prohibition of single-use plastic bags and to encourage
13 the use of reusable bags.

14 *Be it enacted by the Legislature of West Virginia:*

15 That the Code of West Virginia, 1931, as amended, be amended
16 by adding thereto a new section, designated §22-15A-15, to read as
17 follows:

18 **ARTICLE 15A. THE A. JAMES MANCHIN REHABILITATION ENVIRONMENTAL**
19 **ACTION PLAN.**

20 **§22-15A-15. Reusable shopping bag act.**

21 (a) Title. - This section shall be known as the "Reusable
22 Shopping Bag Act."

23 (b) Findings and intent.

24 (1) The Legislature finds that:

25 (A) The prohibition imposed by this section is necessary for

1 the environmental, public health, and societal burdens created by
2 single-use carryout bags;

3 (B) Despite recycling and other voluntary solutions to control
4 pollution from plastic bags in West Virginia, only a small
5 percentage of single-use carryout bags are recycled, and the rest
6 either take up valuable landfill space or are discarded into the
7 environment; and

8 (C) Reusable bags are an environmentally sound alternative to
9 single-use carryout bags.

10 (2) It is the intent of the Legislature to encourage the
11 widespread use of reusable bags as an environmentally sound
12 alternative to single-use carryout bags.

13 (c) Definitions. - As used in this section:

14 (1) "Reusable bag" means a bag that is:

15 (A) designed and manufactured for at least one hundred uses;
16 and

17 (B) Made of washable material that does not contain lead or
18 any other heavy metal in a toxic amount, as determined by the West
19 Virginia Department of Environmental Protection.

20 (2) (A) "Single-use carryout bag" means a bag that is:

21 (i) Designed for one or more uses, but fewer than one hundred
22 uses;

23 (ii) Made of plastic; and

24 (iii) Provided by a store to a customer at a point of sale.

1 (B) "Single-use carryout bag" does not include bags made of
2 paper.

3 (3) "Store" means a retail establishment that provides single-
4 use carryout bags to its customers as a result of the sale of a
5 product and that meets any of the following requirements:

6 (A) Is a supermarket;

7 (B) Has over ten thousand square feet of contiguous retail
8 space that generates sales or use tax payable to the State of West
9 Virginia and has a licensed pharmacy on site; or

10 (C) Is a convenience food store or foodmart engaged in
11 retailing a limited line of goods that generally includes milk,
12 bread, soda, and snacks.

13 (d) Single-use carryout bag - Prohibition.

14 (1) Beginning January 1, 2013, a store may not:

15 (A) Provide a single-use carryout bag to a customer; and

16 (B) Make reusable bags available for purchase by a customer.

17 (e) The West Virginia Department of Environmental Protection
18 shall administer this section and propose rules for Legislature
19 approval in accordance with the provisions of article three,
20 chapter twenty-nine-a of this code and this section.

21 (1) Before January 1, 2014, the department shall submit a
22 report to the Legislature regarding the effectiveness of this
23 section in achieving widespread use of reusable bags and preserving
24 landfill space.

- 1 (2) The report shall include recommendations to:
2 (A) Further encourage the use of reusable bags by consumers
3 and retailers;
4 (B) Reduce the consumption of single-use carry out bags; and
5 (C) Expand the definition of stores that are subject to this
6 section to all other stores and retail establishments distributing
7 single-use carryout bags.

NOTE: The purpose of this bill is to prohibit the use of single-use plastic bags by stores.

§22-15A-15 is new; therefore, it has been completely underscored.