

Regular Session, 2014

SENATE BILL NO. 408

BY SENATOR WALSWORTH

ENVIRONMENTAL CONTROL. Establishes a recycling program in certain stores for plastic carryout bags. (2/3-CA7s2.1(A)) (8/1/14)

1 AN ACT

2 To enact R.S. 30:2563(4) and 2567, relative to environmental regulatory innovations
3 programs; to require certain stores that use plastic carryout bags in the sale of goods
4 to establish a recycling program; to allow customers to return plastic carryout bags
5 to stores for recycling; to provide for penalties, terms, and conditions; and to provide
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 30:2563(4) and 2567 are hereby enacted to read as follows:

9 §2563. Definitions

10 As used in this Chapter, the following terms shall have the meaning ascribed to them
11 in this Section, unless the context clearly indicates otherwise:

12 * * *

13 (4) "Store" means a retail establishment offering a full line of groceries,
14 meat, and produce with at least forty-five thousand square feet of retail space
15 that provides plastic carryout bags to its customers in conjunction with the sale
16 of goods.

17 * * *

1 **§2567. Plastic carryout bag recycling program**

2 **A. All stores shall establish an at-store plastic carryout bag recycling**
3 **program that provides an opportunity for a customer of the store to return**
4 **clean plastic carryout bags to such store.**

5 **B. All stores participating in the plastic carryout bag recycling program**
6 **shall place a collection bin in each store that is visible and easily accessible to**
7 **the customers.**

8 **C. The regulation of plastic bags is preempted by this Section. No**
9 **municipality, parish, or local government entity, shall enact ordinances, law, or**
10 **regulations regarding plastic carryout bags that in any way affect the recycling**
11 **of plastic carryout bags, including but not limited to bans or fees.**

12 **D. Any store found to be in violation of this Section may be liable for a**
13 **civil penalty to be assessed by the secretary in an amount of not more than five**
14 **hundred dollars for a first violation, not more than one thousand dollars for a**
15 **second violation, or not more than two thousand dollars for a third or any**
16 **subsequent violation.**

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Heyward Jeffers.

DIGEST

Walsworth (SB 408)

Proposed law provides for the definition of a store.

Proposed law requires stores that provide plastic carryout bags to its customers to establish
an at-store plastic carryout bag recycling program.

Proposed law provides for the following penalties for stores failing to comply with the
requirements of proposed law: \$500 for the first violation, \$1,000 for the second violation,
or \$2,000 for a third or any subsequent violation.

Proposed law provides for preemption in the area of plastic carryout bags.

Proposed law provides that no municipality, parish, or local governmental entity can enact
ordinances, laws, or regulations regarding plastic carryout bags that in any way affect the
recycling of plastic carryout bags.

Effective August 1, 2014.

(Adds R.S. 30:2563(4) and 2567)