

Proposed Amendment to AO 2018-63(S)

AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING THE ANCHORAGE MUNICIPAL CODE TO ADD A NEW CHAPTER TO PROHIBIT CERTAIN RETAIL SELLERS FROM DISTRIBUTING DISPOSABLE PLASTIC SHOPPING BAGS AND PROVIDING FOR CIVIL FINES.

Submitted by: Assembly Member Croft

PROPOSED AMENDMENT

Purpose/Summary of amendments: This amendment is comprehensive and intended to reorganize the way the prohibition, fee and exceptions are presented to avoid gaps or ambiguities that may occur and lead to unintended consequences. Adding a definition of “alternative bag” as the catchall term for plastic bags that are not banned, and bags that are not reusable ensures no type of bag is unaddressed in the ordinance. Finally, moving the section on fees for alternative bags within the ban and exceptions section ensures the fee will not apply to plastic bags that are used within the listed exceptions.

TEXT OF AMENDMENT

(adding new language, [Deleting words proposed by the AO that are not in current code]and [Deleting words proposed by the AO(S) that are not in current code])

AO 2018-63(S) Section 1, Page 1, at line 41; amending the sections table of contents as follows:

- 15.95.010 Definitions.
- 15.95.020 Prohibition on providing or distributing disposable plastic shopping bags; *fees for alternative bags*; exceptions.
- 15.95.030 ~~[Alternative bags permitted, fee required.~~
- ~~15.95.040~~ Penalties and remedies.

Section 1, Page 2, beginning at line 1; amending Section 15.95.010, Definitions, as follows:

15.95.010 Definitions.

Alternative bag means any bag that is designed to carry customer purchases from the retail seller premises that is neither a disposable plastic shopping bag nor a reusable bag.

Disposable plastic shopping bag means a bag made exclusively or primarily

~~[partially]~~ of soft plastic (including plastics marked or labeled as “biodegradable” or “compostable”), ~~[and]~~ that is less than ~~(blank space)~~ ~~[2.25]~~ **[4]** mils thick, and that is designed to carry customer purchases from the retail seller’s premises;

Retail seller means a retail or commercial business facility located within the municipality, including but not limited to markets, grocery stores, convenience stores, pharmacies, drug stores, retail stores, restaurants, or similar establishments that

~~[a. — is located in a permanent building; and~~

~~b.]~~ sells goods or prepared food ~~[to]~~ directly to consumers, such as household supplies, perishable items, or food merchandise, including meat, produce, dairy products, or snack foods.

Reusable bag means a bag that

a. is designed and manufactured to withstand repeated use over time;

b. is made from cloth, other machine washable fabric, or is made from other woven material that can be cleaned and disinfected regularly; ~~[.]~~ and

~~c. — has handles;~~

~~c. — if made from plastic, must be at least 2.25~~[4]~~ mils thick; and~~

~~d. — has a minimum lifetime of 75 uses].~~

~~[Recyclable paper bag means a paper bag that is fully recyclable, contains a minimum of 40% post-consumer recycled content, and contains no old growth fiber. The bag should display the words “reusable,” “recyclable,” or other marking in compliance with the Federal Trade Commission Part 260 Guides for the Use of Environmental Marketing Claims, or as such regulation may be amended or renumbered (16 C.F.R. § 260.1, et seq.).]~~

Section 1, Page 2, beginning at line 41; amending Section 15.95.020 as follows:

15.95.020 Prohibition on providing or distributing disposable plastic shopping bags; fees for alternative bags; exceptions.

A. On or after January 1, 2019, except as provided in this section a ~~f~~:

1. ~~— A]~~ retail seller shall not provide a disposable plastic shopping bag to

a purchaser to carry away **or protect** goods purchased from, or serviced by, the retail seller, ~~[-and-~~

~~2. No person shall distribute disposable plastic shopping bags at any municipal facility or any event held on municipal property.]~~

B. On or after January 1, 2019, except as provided in this section, a retail seller shall provide an alternative bag to a purchaser to carry away or protect goods purchased from, or serviced by, the retail seller only for a minimum fee of \$0.10 per bag. A retail seller

1. shall not absorb or discount the required fees established by this subsection,

2. shall state the fees as a separate item on the receipt provided to the purchaser, and

3. may retain the full amount of the fee or give any portion of it to a nonprofit.

C. A retail seller may provide a reusable bag without limitation or fee.

D. Exceptions. The prohibition established in this section does not apply to a plastic bag that is

1. Used by customers inside stores to contain a product that does not have other packaging, including bulk grains, fruit, nuts, vegetables, meat, candy, bakery goods, prepared foods, other food products or small hardware items;

* * * * *

8. Sold in packages containing multiple bags intended for consumer use off the seller's premises, for such purposes as the collection and disposal of garbage, pet waste, or yard waste; ~~[or]~~

9. Provided by a retail marijuana store in accordance with the requirements of section 10.80.345; or

10. A reusable bag.

Section 1, Page 3, beginning at line 33; by deleting Section 15.95.030 in its entirety, and renumbering section 15.95.040 to .030, as follows:

~~***[15.95.030 Alternative bags permitted, fee required.***~~

~~**A. Purpose. The purpose of allowing alternative bags for a required fee is**~~

~~to discourage the single use of recycled paper or thick plastic reusable bags at retail establishments, and to prohibit retailers from providing them to purchasers at no charge.~~

~~B. Retail sellers shall not absorb or discount the required fees established by this section, and shall state the fees as a separate item on the receipt provided to the purchaser. The retail seller may retain the full amount of the fees.~~

~~C. Retail sellers may offer or provide a recycled paper bag only for a minimum fee of \$0.10 per bag.~~

~~D. Retail sellers may offer or provide a reusable bag made partly or entirely from plastic only for a minimum fee of \$0.10 per bag.]~~

15.95.030 [~~040~~] Penalties and remedies.

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Section 2, Page 4, beginning at line 14; by amending the fine schedule language as follows:

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| <u>15.95.020B.</u> <u>[030B or</u> <u>C.]</u> | <u>Failure to charge or itemize fee for</u> <u>alternative [recycled paper or</u> <u>reusable] bag</u> | <u>First offense:</u> <u>warning.</u> <u>Second offense:</u> <u>\$250/violation</u> <u>Third and</u> <u>subsequent</u> <u>offenses:</u> <u>\$500/violation</u> |
|---|--|---|

Will there be any public or private economic effect to the proposed amendment?

YES NO (check one) If yes, please detail below.