

HB4448



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4448

Introduced 1/16/2024, by Rep. Suzanne M. Ness

SYNOPSIS AS INTRODUCED:

415 ILCS 15/14 new

Amends the Solid Waste Planning and Recycling Act. Provides that, beginning 18 months after the amendatory Act's effective date, (1) no store or food service business shall provide or sell a single-use plastic carryout bag to a customer and (2) no grocery store shall provide or sell a single-use paper carryout bag to a customer. Preempts home rule. Contains other provisions. Effective immediately.

LRB103 36836 JAG 66947 b

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 5. The Solid Waste Planning and Recycling Act is
5 amended by adding Section 14 as follows:

6 (415 ILCS 15/14 new)

7 Sec. 14. Plastic bag reduction.

8 (a) In this Section:

9 "Carryout bag" means a bag that is provided by a store or
10 food service business to a customer for the purpose of
11 transporting groceries, prepared foods, or retail goods.

12 "Carryout bag" does not include:

13 (1) a bag used solely to contain or wrap uncooked
14 meat, fish, or poultry;

15 (2) a bag used solely to package loose items such as
16 fruits, vegetables, nuts, coffee, grains, baked goods,
17 candy, greeting cards, flowers, or small hardware items;

18 (3) a bag used solely to contain live animals, such as
19 fish or insects, sold in a pet store;

20 (4) a bag used solely to contain food that is sliced or
21 prepared to order, including, but not limited to, soup or
22 hot food;

23 (5) a laundry, drycleaning, or garment bag;

1 (6) a bag provided by a pharmacy to carry prescription
2 drugs;

3 (7) a newspaper bag; and

4 (8) any bag similar to those listed above, as
5 determined by the Agency by rule, regulation, or guidance.

6 "Food service business" means a business that sells or
7 provides food for consumption on or off the business'
8 premises. "Food service business" includes, but is not limited
9 to, any restaurant, cafe, delicatessen, coffee shop,
10 convenience store, grocery store, vending truck or cart, food
11 truck, movie theater, business cafeteria, or institutional
12 cafeteria such as those operated by or on behalf of a
13 governmental entity.

14 "Grocery store" means a self-service retail establishment
15 that occupies at least 2,500 square feet and that sells
16 household foodstuffs for off-site consumption, including, but
17 not limited to, fresh produce, meat, poultry, fish, deli
18 products, dairy products, canned foods, dry foods, beverages,
19 baked foods, and prepared foods. "Grocery store" does not
20 include an establishment that handles only prepackaged food
21 that does not require time or temperature controls for food
22 safety.

23 "Hemp product" means a finished product with a delta-9
24 tetrahydrocannabinol concentration of not more than 0.3% that
25 is derived from or made by processing a hemp plant or hemp
26 plant part and prepared in a form that is available for

1 commercial sale.

2 "Plastic" means a synthetic material made from linking
3 monomers through a chemical reaction to create an organic
4 polymer chain that can be molded or extruded at high heat into
5 various solid forms and retain their defined shapes during
6 their life cycle and after disposal.

7 "Reusable carryout bag" means a carryout bag that:

8 (1) is made of polypropylene, PET nonwoven fabric,
9 nylon, cloth, a hemp product, or another machine-washable
10 fabric;

11 (2) has stitched handles; and

12 (3) is designed and manufactured for multiple reuses.

13 "Single-use paper carryout bag" means a carryout bag made
14 of paper that is not a reusable carryout bag.

15 "Single-use plastic carryout bag" means a carryout bag
16 made of plastic that is not a reusable carryout bag.

17 "Store" means a grocery store, convenience store, liquor
18 store, pharmacy, drug store, or other retail establishment.

19 (b) Beginning 18 months after the effective date of this
20 amendatory Act of the 103rd General Assembly:

21 (1) no store or food service business shall provide or
22 sell a single-use plastic carryout bag to a customer; and

23 (2) no grocery store shall provide or sell a
24 single-use paper carryout bag to a customer.

25 (c) The regulation of single-use plastic carryout bags and
26 single-use paper carryout bags is an exclusive power and

1 function of the State. A home rule unit may not regulate
2 single-use plastic carryout bags or single-use paper carryout
3 bags. This Section is a denial and limitation of home rule
4 powers and functions under subsection (h) of Section 6 of
5 Article VII of the Illinois Constitution.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.