

HOUSE BILL NO. 81

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE JOSEPHSON

Introduced: 3/6/19

Referred: Community and Regional Affairs, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 "An Act prohibiting disposable plastic shopping bags; and providing for an effective
2 date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 46.06 is amended by adding a new section to read:

5 **Sec. 46.06.145. Shopping bags.** (a) Except as provided in (b) of this section, a
6 retail seller of goods or services may not provide a disposable plastic shopping bag to
7 a purchaser to carry away or protect goods purchased from, or serviced by, the retail
8 seller.

9 (b) The prohibition established in (a) of this section does not apply to a
10 disposable plastic shopping bag that is

11 (1) used only to contain a product that does not have other packaging,
12 including bulk grains, fruit, nuts, vegetables, meat, candy, bakery goods, prepared
13 foods, or other food products or small hardware items;

14 (2) used only to contain ice;

- 1 (3) used only to contain or wrap flowers;
- 2 (4) provided by a pharmacist for the sole purpose of containing
- 3 prescription drugs;
- 4 (5) used only to package an unconsumed portion of a bottle of wine in
- 5 compliance with AS 04.16.120;
- 6 (6) used only to contain a newspaper;
- 7 (7) sold in packages containing multiple bags intended for use as
- 8 garbage, pet waste, or yard waste bags; or
- 9 (8) a reusable bag.

10 (c) The department may assess an administrative fine against a retail seller that
 11 violates (a) of this section. An administrative fine under this subsection may not
 12 exceed

- 13 (1) \$250 for a first violation;
- 14 (2) \$500 for a second violation within one year; and
- 15 (3) \$750 for each violation after a second violation within one year.

16 (d) In this section,

17 (1) "disposable plastic shopping bag" means a bag made exclusively or
 18 partially of plastic, other than a reusable bag;

19 (2) "retail seller" includes

20 (A) a market, grocery store, convenience store, drug store, or
 21 similar establishment that

22 (i) is located in a permanent building;

23 (ii) sells to consumers household supplies, perishable
 24 items, or food merchandise, including meat, produce, dairy products, or
 25 snack foods; or

26 (B) a retail establishment that has annual gross sales of
 27 \$250,000 or more in the previous calendar year;

28 (3) "reusable bag" means a bag that

29 (A) is designed and manufactured to withstand repeated use
 30 over time;

31 (B) is machine washable or is made from material that can be

- 1 cleaned and disinfected regularly;
- 2 (C) if it is made from plastic, is made with plastic that is at
- 3 least four mils thick; and
- 4 (D) is designed to have a minimum lifetime of 75 uses.
- 5 * **Sec. 2.** This Act takes effect January 1, 2021.