



# City of Philadelphia

City Council  
Chief Clerk's Office  
402 City Hall  
Philadelphia, PA 19107

**BILL NO. 070691**  
**(As Amended, 10/24/07)**

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**Introduced September 20, 2007**

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**Councilmember DiCicco**

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**Referred to the  
Committee on the Environment**

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## **AN ORDINANCE**

Amending Chapter 9-600 of The Philadelphia Code, entitled "Service and Other Businesses," by adding a new Section 9-614, entitled "Mandatory Use of Recyclable and Compostable Checkout Bags," all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

Section 1. Chapter 9-600 of The Philadelphia Code is hereby amended to read as follows:

**CHAPTER 9-600. SERVICE AND OTHER BUSINESSES.**

\* \* \*

§ 9-614. [Reserved.] *Mandatory Use of Recyclable and Compostable Checkout Bags.*

(1) *Definitions.*

(a) *ASTM Standard.* *The American Society for Testing and Materials (ASTM) International standard D6400 for compostable plastic, as that standard may be amended from time to time.*

(b) *Compostable Plastic Bag.* *A plastic bag that is certified and labeled as meeting the current ASTM Standard by a recognized verification entity such as the Biodegradable Product Institute.*

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(c) *Checkout bag.* A carryout bag that is provided by a store to a customer at the point of sale.

(d) *Department.* The department designated by the Mayor to administer the provisions of this Section. Such designation by the Mayor shall occur no later than April 1, 2008.

(e) *Pharmacy.* A retail establishment where (.1) the profession of pharmacy is practiced by a pharmacist licensed by the Commonwealth of Pennsylvania and where prescriptions are offered for sale, excluding retail establishments located inside a hospital, and (.2) the establishment operates under a trade name utilized by at least five locations within the geographical limits of Philadelphia.

(f) *Recyclable.* Material that can be sorted, cleansed and reconstituted for the purpose of using the altered form in the manufacture of a new product, through the City's curbside recycling collection program. Recycling does not include burning, incinerating, converting or otherwise thermally destroying solid waste.

(g) *Recyclable Paper Bag.* A paper bag that contains no old growth fiber and is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content.

(h) *Reusable Bag.* A bag with handles that is specifically designed and manufactured for multiple reuse and is either made of cloth or other machine washable fabric and/or durable plastic that is at least 2.25 mils thick.

(i) *Supermarket.* A self-service retail establishment which sells a line of dry grocery or canned goods, with either (.1) gross annual sales of at least two million dollars (\$2,000,000), or (.2) the establishment operates under a trade name utilized by at least five locations within the geographical limits of Philadelphia.

(2) *Mandatory Use of Recyclable and Compostable Checkout Bags.*

(a) *No supermarket or pharmacy shall provide checkout bags other than:*

(i) *recyclable paper bags;*

(ii) *compostable plastic bags; and/or*

(iii) *reusable bags.*

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*(b) The Department may adopt regulations to implement this Section.*

*(3) Penalties. The penalty for violating any provision of this Section shall be a fine of one hundred (100) dollars for the first offense, three hundred (300) dollars for the second offense within a year of an earlier offense and five hundred (500) dollars for each subsequent offense within a year of an earlier offense.*

SECTION 2. This Ordinance shall take effect six (6) months after it becomes law, provided that the Department is authorized to promulgate any regulations and take any other actions needed to prepare for implementation of this Ordinance immediately after this Ordinance becomes law.

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