

## Legislation Details (With Text)

**File #:** 190610-A      **Version:** 2      **Name:**

**Type:** Bill      **Status:** ENACTED

**File created:** 6/20/2019      **In control:** Committee on Licenses and Inspections

**On agenda:**      **Final action:** 12/12/2019

**Title:** Amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," by adding a new Chapter 9-4500, entitled "Prohibition on Use of Certain Bags and Checkout Bag Charge," to permit the use of only certain bags by retail establishments at the point of sale or for a delivery; and establishing a charge, payable by the consumer to the establishment, for the provision of other types of bags; all under certain terms and conditions.

**Sponsors:** Councilmember Squilla, Councilmember Bass, Councilmember Gym, Councilmember Green, Councilmember Jones

**Indexes:** PROHIBITION ON USE OF CERTAIN BAGS AND CHECKOUT BAG CHARGE

**Code sections:** Title 9 - REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

**Attachments:** 1. Bill No. 190610-A02, As Amended on Floor.pdf, 2. CertifiedCopy190610-A02

Date	Ver.	Action By	Action	Result	Tally
12/30/2019	2	MAYOR	SIGNED		
12/12/2019	1	CITY COUNCIL	READ AND PASSED	Pass	15:2
12/5/2019	2	CITY COUNCIL			
12/5/2019	2	CITY COUNCIL			
12/5/2019	1	CITY COUNCIL			
10/24/2019	1	CITY COUNCIL			
10/24/2019	1	CITY COUNCIL			
10/24/2019	1	CITY COUNCIL			
10/22/2019	0	Committee on Licenses and Inspections			
10/22/2019	0	Committee on Licenses and Inspections			
10/22/2019	0	Committee on Licenses and Inspections			
10/22/2019	1	Committee on Licenses and Inspections			
6/20/2019	0	CITY COUNCIL			

Amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," by adding a new Chapter 9-4500, entitled "Prohibition on Use of Certain Bags and Checkout Bag Charge," to permit the use of only certain bags by retail establishments at the point of sale or for a delivery; and establishing a charge, payable by the consumer to the establishment, for the provision of other types of bags; all under certain terms and conditions.

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

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

CHAPTER 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

\* \* \*

*CHAPTER 9-4500. PROHIBITION ON USE OF CERTAIN BAGS BY RETAIL ESTABLISHMENTS.*

*§9-4501. Definitions.*

(1) *“Effective Date” means the effective date of the ordinance that added this Chapter to The Philadelphia Code.*

(2) *“Exempted Bag” means:*

*(a) a bag used inside a retail establishment by a customer to deliver perishable items to the point of-sale at that establishment, such as: to package bulk items such as fruit, vegetables, nuts, grains, or candy; to contain or wrap meats or fish; to contain unwrapped prepared foods or bakery goods; or to contain or wrap flowers, potted plants, or similar items; or*

*(b) a bag sold in packaging containing multiple bags and packaged at the time of manufacture of the bag.*

(3) *“Plastic” means solid material that is produced from petrochemicals and that is often used to make bags for carrying products out of retail establishments.*

(4) *“Recyclable Paper Bag” means a paper bag that meets the following, but not including an Exempted Bag:*

*(a) contains no old growth fiber;*

*(b) contains a minimum of 40% post-consumer recycled content; and*

*(c) displays the word “Recyclable” or “Recycled Content” in a highly visible manner and is labeled with the name of the manufacturer and the percentage of post-consumer recycled content of the bag in an easy-to-read font size.*

(5) *“Retail Establishment” means a location where food or other products are offered to the public for direct sale or delivery to a customer, including but not limited to the following: supermarket, convenience store, service station, department store, dollar store, clothing store, restaurant, food truck, farmers’ market or delivery service, but not including drycleaners.*

(6) *“Single-use Plastic Bag” means a bag made from plastic that is less than 2.25 mils thick or*

*made through a blown-film extrusion process, but not including an Exempted Bag.*

*§9-4502. Prohibition Against Single-use Plastic Bags.*

*(1) Beginning 90 days after the Effective Date, Retail Establishments are prohibited from providing a Single-use Plastic Bag or a non-Recyclable Paper Bag to a customer at the retail establishment or through a delivery.*

*§9-4503. Signage Requirement.*

*(1) Beginning 30 days after the effective date, and for six months thereafter, Retail Establishments are required to post at all points of sale conspicuous signage: informing customers that Single-use Plastic Bags and non-Recyclable Paper Bags will no longer be provided by the establishment as of the date the prohibition begins; explaining what types of bags and purchases are impacted; and providing any other information the Department may require by regulation.*

*§9-4504. Study of Bag Use.*

*The Office of Sustainability, or such other office or department as may be designated by the Mayor, is called upon to conduct or commission a study of the quantities and frequency of the provision by retail establishments to customers of Single-use Plastic Bags, other plastic bags, non-Recyclable Paper Bags, Recyclable Paper Bags and any other bags before the effective date; six months after the effective date; and one year after the effective date. Any such reports shall be provided to the Chief Clerk of Council and posted on a City webpage within two weeks of finalization of the report.*

\* \* \*

SECTION 2. This Ordinance shall take effect July 2, 2020.