

## Legislation Details (With Text)

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**File #:** 220364      **Version:** 1      **Name:**

**Type:** Bill      **Status:** POCKET VETOED

**File created:** 4/28/2022      **In control:** Committee on Licenses and Inspections

**On agenda:**      **Final action:** 12/14/2023

**Title:** Amending Chapter 9-4900 of The Philadelphia Code, entitled “Prohibition on Use of Certain Bags by Retail Establishments,” to require retail establishments to charge a fee for the provision of a bag to customers for removal of purchased items, and further defining what bags are prohibited at check out, all under certain terms and conditions.

**Sponsors:** Councilmember Squilla

**Indexes:** Plastic Checkout Bags

**Code sections:**

**Attachments:** 1. Bill No. 22036401, As Amended.pdf

Date	Ver.	Action By	Action	Result	Tally
12/31/2023	1	MAYOR	NO ACTION TAKEN - POCKET VETO		
12/14/2023	1	CITY COUNCIL	READ AND PASSED	Pass	13:2
12/7/2023	1	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL		
12/7/2023	1	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR		
12/6/2023	0	Committee on Licenses and Inspections	HEARING NOTICES SENT		
12/6/2023	0	Committee on Licenses and Inspections	HEARING HELD		
12/6/2023	0	Committee on Licenses and Inspections	AMENDED		
12/6/2023	1	Committee on Licenses and Inspections	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
4/28/2022	0	CITY COUNCIL	Introduced and Referred		

Amending Chapter 9-4900 of The Philadelphia Code, entitled “Prohibition on Use of Certain Bags by Retail Establishments,” to require retail establishments to charge a fee for the provision of a bag to customers for removal of purchased items, and further defining what bags are prohibited at check out, all under certain terms and conditions.

WHEREAS, notwithstanding the groundbreaking efforts of Council in establishing a ban on the use of certain plastic bags by retail establishment in the City through adoption of Bill No. 190610-A (approved December 30, 2019), additional efforts are needed to encourage shoppers to bring their own reusable bags for the purpose of removing retail items purchased at stores, in order to reduce continued overuse of single-use and thick plastic bags; now therefore,

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

SECTION 1. Title 9 The Philadelphia Code is hereby amended as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

\* \* \*

CHAPTER 9-4900. PROHIBITION ON USE OF CERTAIN BAGS  
BY RETAIL ESTABLISHMENTS *AND CHECKOUT BAG FEE*

§ 9-4901. Definitions.

\* \* \*

(2) Exempted Bag means:

(a) a bag *without handles* 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;

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

(c) *a bag used to enclose utensils or condiments for use with prepared foods, sometimes known as a disposable utensil sleeve.*

(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] *a synthetic material made from linking monomers through a chemical reaction to create a polymer chain that can be molded or extruded at high heat into various solid forms that retain their defined shapes during their life cycle and after disposal, including material derived from either petrochemicals or a biologically based polymer, such as corn or other plant sources.*

\* \* \*

(6) [Single-use] Plastic Bag means a bag made from plastic [that is less than 2.25 mils thick or] *and made through a blown-film extrusion process, but not including an Exempted Bag.*

§ 9-4902. 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.] *delivery, whether for free or for a cost.*

\* \* \*

§ 9-4905. *Imposition of Fees on Bags Provided to Customer.*

(1) *No later than 60 days after this provision becomes effective, retail establishments shall charge each customer a fee of 15 cents (\$.15) per bag provided at the point of sale. No such fee shall be required for the provision or sale of an exempted bag.*

(2) *All fees collected by a retail establishment under this section for the provision of a recyclable paper bag or reusable bag shall be retained by the retail establishment and may not be refunded to the customer in any manner.*

(3) *Fees charged for the provision of recyclable paper bags shall be separately stated on a receipt provided to the customer at the time of sale and shall be identified as the "Carry-Out Bag Charge."*

§ 9-4906. *Signage Related to Fees.*

(1) *Beginning no later than 30 days after this provision becomes effective and until 90 days after such date, retail establishments are required to post at all points of sale conspicuous signage informing customers concerning the imposition of fees for any bags provided at the location.*

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