

Senate Bill 434

By: Senators Harrell of the 40th, Rahman of the 5th, Butler of the 55th, James of the 35th,
Jordan of the 6th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste
2 management, so as to prohibit plastic bags and food service disposable containers that are
3 composed of polystyrene foam; to provide for exemptions; to provide for enforcement and
4 fines; to provide for a hotline and form to report violations; to provide for definitions; to
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste
9 management, is amended by adding a new article to read as follows:

10 "ARTICLE 10

11 12-8-250.

12 As used in this article, the term:

13 (1) 'Food sales establishment' shall have the same meaning as set forth in Code
14 Section 26-2-21.

15 (2) 'Food service establishment' shall have the same meaning as set forth in Code
16 Section 26-2-370.

17 (3) 'Reusable checkout bag' means a bag with handles that is specifically designed and
18 manufactured for multiple reuse and is made of cloth, fiber, or other machine-washable
19 fabric.

20 (4) 'Single-use carryout bag' means a bag made of plastic and provided by a food sales
21 establishment, food service establishment, or retail store at the point of sale for the
22 purpose of transporting merchandise.

23 12-8-251.

24 (a) On or after July 1, 2022, except as provided in subsection (c) of this Code section, no
 25 food sales establishment, food service establishment, or retail store shall provide or sell to
 26 any customer, at the point of sale, a single-use carryout bag.

27 (b) If a customer does not have a reusable checkout bag at the point of sale, the food sales
 28 establishment, food service establishment, or retail store shall provide to the customer bags
 29 made of paper and charge to the customer a fee of at least 10¢ for every \$25.00 worth of
 30 merchandise purchased, if the purchase amount is over \$25.00, or, at the customer's
 31 request, the customer may carry out merchandise without a paper bag. If the fee is charged,
 32 such fee may be retained by the food sales establishment, food service establishment, or
 33 retail store. This subsection shall not apply to customers participating in the Supplemental
 34 Nutrition Assistance Program (SNAP) or the Women, Infants, and Children (WIC)
 35 program.

36 (c) The following bags shall be exempt from this Code section:

- 37 (1) Plastic produce bags;
- 38 (2) Deli counter meat bags;
- 39 (3) Bulk food bags;
- 40 (4) Dry-cleaning garment bags;
- 41 (5) Newspaper bags; and
- 42 (6) Trash bags.

43 12-8-252.

44 (a) On or after July 1, 2022, no food sales establishment or food service establishment
 45 shall provide or sell to any customer, at the point of sale, food or beverages in or on any
 46 disposable container that is composed in whole or in part of polystyrene foam.

47 (b) The following disposable containers shall be exempt from this Code section:

- 48 (1) Meat and seafood containers; and
- 49 (2) Egg cartons.

50 12-8-253.

51 (a) The Department of Agriculture and all county boards of health and their duly
 52 authorized agents are authorized to enforce compliance with this article.

53 (b) Any food sales establishment, food service establishment, or retail store found to be
 54 in violation of this article shall be subject to the following penalties:

- 55 (1) For a first violation, a warning shall be issued to the violator;
- 56 (2) For a second violation, a fine of no less than \$50.00 and no more than \$250.00; and

57 (3) For a third or subsequent violation, a fine of no less than \$250.00 and no more than
58 \$500.00.

59 (c) Each point-of-sale transaction in violation of this article shall be considered a separate
60 violation.

61 (d) The Department of Natural Resources shall provide a hotline telephone number on its
62 website and develop and make available for download from its website a model form to
63 report violations of this article. Such hotline shall be under the direction of the Department
64 of Natural Resources."

65 **SECTION 2.**

66 All laws and parts of laws in conflict with this Act are repealed.