



HOUSE USE ONLY

CHAIR:

WITH / WITHOUT

3rd SESSION, 65th GENERAL ASSEMBLY
Province of Prince Edward Island
67 ELIZABETH II, 2018

(Bill No. 114)

Plastic Bag Reduction Act

Allen F. Roach
MLA

PRIVATE MEMBER'S BILL

Carol Mayne
Acting Queen's Printer
Charlottetown, Prince Edward Island

**For House
Use Only**

**Prince Edward Island
Legislative Assembly**

ASSEMBLY / SESSION / YEAR 65th General / 3rd / 2018

AMENDMENTS

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TITLE: Plastic Bag Reduction Act

#	SECTION	AMENDMENT	DATE

<p>NOTED:</p> <p>_____</p> <p style="text-align: center;">COMMITTEE CLERK</p>	<p>CERTIFIED CORRECT:</p> <p>_____</p> <p style="text-align: center;">CHAIR, IN COMMITTEE</p>
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PLASTIC BAG REDUCTION ACT

BILL NO. 114

2018

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. Definitions

In this Act,

- (a) “**checkout bag**” means
 - (i) any bag intended to be used by a customer for the purpose of transporting items purchased or received by the customer from the business providing the bag, and
 - (ii) a bag used to package take-out food or food to be delivered, and includes a paper bag, plastic bag and reusable bag;
- (b) “**business**” means a business incorporated under the *Companies Act* R.S.P.E.I. 1988, Cap. C-14, or required to be registered under the *Extra-provincial Corporations Registration Act* R.S.P.E.I. 1988, Cap. E-14, and includes a sole proprietorship, a partnership or a co-operative association engaged in a retail operation and, for the purposes of section 4, a person employed by, or operating on behalf of, a business;
- (c) “**paper bag**” means a bag made out of paper that is recyclable and contains at least 40 per cent post-consumer recycled content, but does not include a small paper bag;
- (d) “**plastic bag**” means any bag made with plastic, including biodegradable plastic or compostable plastic, but does not include a reusable bag;
- (e) “**reusable bag**” means a bag with handles that is
 - (i) intended to be used for transporting items purchased or received by the customer from a business,
 - (ii) designed and manufactured to be capable of at least 100 uses, and
 - (iii) primarily made of cloth or other washable fabric;
- (f) “**small paper bag**” means any bag made out of paper that is less than 15 centimetres by 20 centimetres when flat.

2. Purpose

The purpose of this Act is to reduce the use by businesses of single-use checkout bags, to reduce waste and environmental damage and to promote responsible and sustainable business practices in Prince Edward Island.

3. Minister responsible

- (1) The Minister of Communities, Land and Environment is the Minister responsible for the administration of this Act.

Appointment of inspector

- (2) The Minister may appoint a person in accordance with the regulations as an inspector for the purposes of this Act.

4. Checkout bag prohibition

- (1) Except as provided in this Act, no business shall provide a checkout bag to a customer.

Exception

- (2) A business may provide a checkout bag to a customer only if
- (a) the customer is first asked whether, and confirms that, the customer needs a bag;
 - (b) the bag provided is a paper bag or a reusable bag; and
 - (c) the customer is charged a fee of not less than
 - (i) 15 cents for a paper bag, and
 - (ii) \$1 for a reusable bag.

Prohibition

- (3) For greater certainty, no business shall
- (a) sell or provide to a customer a plastic bag; or
 - (b) provide a checkout bag to a customer free of charge.

Idem

- (4) No business shall deny or discourage the use by a customer of the customer's own reusable bag for the purpose of transporting items purchased or received by the customer from the business.

5. Exemptions

- (1) Section 4 does not apply to
- (a) small paper bags;
 - (b) bags used to
 - (i) package loose bulk items such as fruit, vegetables, nuts, grains or candy,
 - (ii) package loose small hardware items such as nails and bolts,
 - (iii) contain or wrap frozen foods, meat, poultry or fish, whether pre-packaged or not,
 - (iv) wrap flowers or potted plants,
 - (v) protect prepared foods or bakery goods that are not pre-packaged,
 - (vi) contain prescription drugs received from a pharmacy,
 - (vii) transport live fish,
 - (viii) protect linens, bedding or other similar large items that cannot easily fit in a reusable bag,
 - (ix) protect newspapers or other printed material intended to be left at the customer's residence or place of business,



- (x) protect clothes after professional laundering or dry cleaning,
- (xi) package medical supplies and items used in the provision of health services;
or
- (c) a bag of a type or material or that is to be used for a purpose specified in the regulations.

Non-application

- (2) Section 4 does not limit or restrict the sale of bags, including plastic bags, intended for use at the customer's home or business, that are sold in packages of multiple bags.

Limited exception

- (3) Notwithstanding clauses 4(2)(c) and 4(3)(b), a business may provide a checkout bag free of charge if
 - (a) the business meets the other requirements of section 4(2);
 - (b) the bag has already been used by a customer; and
 - (c) the bag is suitable for, and has been returned to the business for, the purpose of being re-used by other customers.

Not retroactive

- (4) Section 4 does not apply to a checkout bag that was purchased by a business prior to the coming into force of this Act.

6. Offence

- (1) A person who
 - (a) contravenes a provision of this Act;
 - (b) consents to, allows, or permits an act or thing to be done contrary to this Act; or
 - (c) neglects or refrains from doing anything required to be done by a provision of this Act,is guilty of an offence and liable on summary conviction to a fine
 - (d) in the case of a corporation, of not less than \$100 and not more than \$10,000; and
 - (e) in the case of an individual, of not less than \$50 and not more than \$500.

Multiple and continuing contraventions

- (2) Each occurrence of a contravention of a provision of this Act, and each day or part of a day on which a contravention continues, constitutes a separate offence.

7. Regulations

The Lieutenant Governor in Council may make regulations

- (a) specifying types of bags, material from which bags are made or the purpose for which a bag may be used for the purpose of clause 5(1)(c);
- (b) respecting the appointment and powers of inspectors; and
- (c) respecting any other matter necessary or advisable to carry out the intent and purposes of this Act.

8. Graduated implementation

(1) Subsection 4(2) of this Act is amended

- (a) in subclause(c)(i), by the deletion of the words “15 cents” and the substitution of the words “25 cents”; and**
- (b) in subclause (c)(ii), by the deletion of the words “\$1” and the substitution of the words “\$2”.**

Idem

(2) Subsection 5(4) of this Act is repealed.

9. Commencement

- (1) Subject to subsection (2), this Act comes into force on July 1, 2018.**
- (2) Sections 6 and 8 of this Act come into force on January 1, 2019.**



EXPLANATORY NOTES

SECTION 1 establishes definitions for the purposes of the Act.

SECTION 2 states the purpose of the Act, which is to reduce the use by businesses of single-use checkout bags, to reduce waste and environmental damage and to promote responsible and sustainable business practices in the province.

SECTION 3 provides that the Minister of Communities, Land and Environment is the Minister responsible for the administration of the Act, and authorizes the Minister to appoint inspectors for the purposes of the Act.

SECTION 4 prohibits a business from providing a checkout bag to a customer except in accordance with the Act. Subsection 4(2) permits a business to provide a checkout bag if the customer is asked and confirms that the customer wants the bag, the bag is either made of paper or is reusable and the customer is charged the specified fee for the bag. Subsection 4(3) prohibits selling or providing a plastic bag or a free checkout bag to a customer. Subsection 4(4) prohibits a business from denying or discouraging a customer from using the customer's own reusable bag for purchases.

SECTION 5 specifies exemptions from the rules in section 4.

SECTION 6 provides that the specified contraventions of the Act are offences and specifies the penalties on summary conviction for a corporation and an individual, respectively.

SECTION 7 authorizes the Lieutenant Governor in Council to make regulations.

SECTIONS 8 and 9 provide for gradual implementation of the Act. Sections 1 to 5 and 7 of the Act come into force on July 1, 2018. Sections 6 and 8 come into force on January 1, 2019. On January 1, 2019, the fees specified in section 4 for checkout bags are increased, and the exception in subsection 5(4) for checkout bags that were purchased by a business prior to the coming into force of the Act is repealed. Also on January 1, 2019, the offence provisions in section 6 come into force.

(Bill No. 114)

Plastic Bag Reduction Act

<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	April 17, 2018
<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

SIGNATURES:

Honourable Antoinette Perry, Lieutenant Governor

Honourable Francis (Buck) Watts, Speaker

Charles H. MacKay, Clerk

Allen F. Roach
MLA

PRIVATE MEMBER'S BILL

2018
3rd SESSION, 65th GENERAL ASSEMBLY