

ACT NO. 7938

BILL NO. 31-0379

THIRTY-FIRST LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2016

An Act amending title 29 Virgin Islands Code, chapter 8 by adding subchapter II to provide for the regulation of plastic bags provided to customers

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Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 29 Virgin Islands Code, chapter 8 is amended by adding subchapter II to read as follows:

“SUBCHAPTER II REGULATION OF PLASTIC BAGS

§500t. Definitions.

As used in this subchapter, the following terms have meaning provided in this section:

- (1) ‘Authority’ means the Virgin Islands Waste Management Authority.
- (2) ‘Business’ means any commercial enterprise or establishment and all employees of the commercial enterprise or establishment or any independent contractors associated with a business operating in the Virgin Islands, including an individual proprietorship, joint venture, partnership, corporation, limited liability company, or other legal entity, whether for profit or not for profit.
- (3) ‘Customer’ means a person who purchases merchandise from a business.
- (4) ‘Department’ means the Virgin Islands Department of Licensing and Consumer Affairs.
- (5) ‘Director’ means the Director of the Virgin Islands Waste Management Authority or the Director’s designee.
- (6) ‘Mil’ means on thousandth of one inch.

(7) 'Non-recyclable paper bag' means a paper bag that is not a recyclable paper bag.

(8) 'Plastic Checkout Bag' means a carryout bag that is provided by a business to a customer for the purpose of transporting groceries or other retail goods, and is made from non-compostable plastic and not specifically designed and manufactured for multiple re-use. The term does not include:

(A) bags used by customers inside a business to package loose items, such as fruits, vegetables, nuts, ground coffee, grains, candies, or small hardware items;

(B) bags used to contain or wrap frozen foods, meat, or fish, flowers, or potted plants, or other items to contain dampness;

(C) bags used to protect or transport prepared foods, beverages, or bakery goods;

(D) bags provided by pharmacists to contain prescription medications;

(E) newspaper bags for home newspaper delivery;

(F) door-hanger bags;

(G) laundry, dry cleaning, or garment bags, including bags provided by hotels to guests to contain wet or dirty clothing;

(H) bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags;

(I) bags used to contain live animals, such as fish or insects sold in pet stores;
or

(J) bags used to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals sold at the retail level; provided that this exemption shall be limited to one bag per customer.

(9) 'Recyclable Paper Bag' means a paper bag that:

(A) is one hundred percent recyclable;

(B) contains a minimum of forty percent post-consumer recycled content; and

(C) displays the words 'Reusable' and 'Recyclable' in a highly visible manner on the outside of the bags.

(10) 'Reusable Bag' means a bag with handles that is specifically designed and manufactured for multiples reuse and is made of:

- (A) cloth or other washable fabric; or
- (B) durable material suitable for reuse, including plastic that is at least 2.25 mils thick.

§500u. Ban on plastic checkout bags and non-recyclable paper bags. All businesses, as defined in paragraph (1) of section 500t, are prohibited from providing plastic checkout bags and non-recyclable paper bags to their customers at the point of sale for the purpose of transporting groceries or other merchandise. Nothing in this section precludes a business from making available to customers, with or without charge, at the point of sale:

- (1) reusable bags, or recyclable paper bags for the purpose of transporting groceries or other merchandise; or
- (2) non-recyclable paper bags to protect or transport prepared foods, beverages, or bakery goods.

§500v. Penalties; enforcement.

(a) Beginning April 1, 2017, any business violating any provision of this subchapter or any regulation adopted pursuant to this subchapter is subject to:

- (1) an order to discontinue the distribution of bags prohibited by this subchapter at the point of sale; and
- (2) a civil fine of not less than \$500 nor more than \$1,000 for each day of violation.

(b) The Authority or the Department may institute a civil action in any court of competent jurisdiction for injunctive or other relief to correct or abate violations of this subchapter or any regulation adopted pursuant to this subchapter to collect civil fines, or to obtain other relief.

(c) Any monies collected from fines or other civil penalties assessed to any business found to have violated this subchapter must be allocated as follows:

- (1) 75 percent to the Virgin Islands Waste Management Authority; and
- (2) 25 percent to the General Fund of the Treasury of the Virgin Islands.

(d) Nothing in this subchapter precludes the Department from enforcing any law, rule, regulation, fine or other penalty under other laws and regulations under the jurisdiction of the Department.

§500w. Regulations. The Authority shall promulgate regulations for the implementation, administration and enforcement of this subchapter.

§500x. Public education. The Director shall establish a public education program to disseminate information regarding implementation of this subchapter. The information must include publication of this subchapter and publication of the general benefits of recycling.”

SECTION 2. This Act takes effect on January 1, 2017.

Thus passed by the Legislature of the Virgin Islands on September 20, 2016.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 30th Day of September, A.D., 2016.



Neville James
Neville James
President

Myron D. Jackson
Myron D. Jackson
Legislative Secretary



Bill No. 31-0379 is hereby approved

**Witness my hand and the Seal of the
Government of the United States
Virgin Islands at Charlotte Amalie,
St. Thomas, this 31st day of October A.D. 2016.**

K. Mapp
Kenneth E. Mapp
Governor