

Proposed Amendment to Bill No. 190610

Proposed deletions in ~~Strikethrough~~
Proposed additions in **Bold**

AN ORDINANCE

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

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*CHAPTER 9-4500. PROHIBITION ON USE OF CERTAIN BAGS ~~AND BAG CHARGE 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 ~~in significant part~~ is produced from ~~oil by a chemical process that is solid, light in weight~~ **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;

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

~~(d)~~ (c) displays the word "Recyclable" or "**Recycled Content**" in a highly visible manner and is labeled with the name of the manufacturer, ~~the country where manufactured,~~ 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 ~~for direct removal from the establishment or through delivery to a home or business~~ **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.

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