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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3847

02/26/2020 Authored by Mann, Elkins, Freiberg, Long, Hornstein and others
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

1.1 A bill for an act
1.2 relating to environment; requiring fee on certain single-use plastic bags; authorizing
1.3 discretionary fees on other bags; providing civil penalties; proposing coding for
1.4 new law in Minnesota Statutes, chapter 115A.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [115A.933] SINGLE-USE PLASTIC CARRYOUT BAGS; FEE.

1.7 Subdivision 1. Definitions. (a) For purposes of this section, the terms in paragraphs (b)
1.8 to (i) have the meanings given.

1.9 (b) "Carryout bag" means a bag provided to a customer by a retail establishment at the
1.10 point of sale for transporting retail goods from the retail establishment.

1.11 (c) "Florist shop" means a retail establishment that sells flowers, wreaths, floral bouquets,
1.12 potted plants, hospital baskets, funeral designs, seeds, nursery seedling stock, trees, shrubs,
1.13 plants, sod, soil, bulbs, sand, rock, and all other floral or nursery products.

1.14 (d) "Hunger-relief organization" means an organization that is exempt from taxation
1.15 under section 501(c)(3) of the Internal Revenue Code and whose primary activity is meeting
1.16 the food needs of food-insecure individuals by offering free food at food banks, food shelves,
1.17 or food pantries; through community meal programs; or via direct delivery of food.

1.18 (e) "Recycled paper bag" means a paper carryout bag that:

1.19 (1) is provided to a customer by a retail establishment at the point of sale for transporting
1.20 retail goods from the retail establishment;

1.21 (2) contains a minimum of 40 percent postconsumer recycled materials; and

2.1 (3) has the name of the manufacturer and the minimum percentage of postconsumer  
2.2 recycled materials that the bag contains printed on the bag.

2.3 (f) "Restaurant" has the meaning given in section 157.15, subdivision 12.

2.4 (g) "Reusable nonplastic carryout bag" means a carryout bag that is:

2.5 (1) not made of plastic; and

2.6 (2) capable of carrying 22 pounds over a distance of 175 feet for a minimum of 125  
2.7 uses.

2.8 (h) "Reusable plastic carryout bag" means a carryout bag that is:

2.9 (1) composed of plastic at least 2.25 mils thick, as measured according to the American  
2.10 Society of Testing and Materials Standard D-6988; and

2.11 (2) capable of carrying 22 pounds over a distance of 175 feet for a minimum of 125  
2.12 uses.

2.13 (i)(1) "Single-use plastic carryout bag" means a carryout bag that is:

2.14 (i) composed of plastic; and

2.15 (ii) not designed and manufactured for multiple reuse.

2.16 (2) Single-use plastic carryout bag does not include a carryout bag used to transport:

2.17 (i) loose bulk items, including but not limited to fruits, vegetables, and candy;

2.18 (ii) bakery goods;

2.19 (iii) prescription drugs;

2.20 (iv) dry cleaning;

2.21 (v) newspapers; or

2.22 (vi) motor vehicle tires.

2.23 Subd. 2. **Fee required; exemptions.** (a) After January 1, 2021, a retail establishment  
2.24 must charge a fee of at least five cents for each single-use plastic carryout bag provided to  
2.25 a customer.

2.26 (b) The fee required in paragraph (a) does not apply to a single-use plastic carryout bag  
2.27 provided to a customer by:

2.28 (1) a restaurant;

2.29 (2) a florist shop; or

3.1 (3) a hunger-relief organization.

3.2 Subd. 3. **Optional fees.** A retail establishment subject to this section may charge a fee  
3.3 for each reusable plastic carryout bag, reusable nonplastic carryout bag, or recycled paper  
3.4 bag provided to a customer.

3.5 Subd. 4. **Fee revenue.** A retail establishment subject to this section may retain all fees  
3.6 collected under this section. A retailer must endeavor to use at least 40 percent of the fees  
3.7 collected under this section to supply customers with reusable plastic carryout bags or  
3.8 recycled paper bags or to otherwise encourage customers to use reusable bags.

3.9 Subd. 5. **Enforcement; civil penalty; injunctive relief.** (a) A retail establishment subject  
3.10 to this section must not be assessed a civil penalty for the initial violation of this section,  
3.11 but is subject to a civil penalty of \$1,000 for each subsequent violation, and the retail  
3.12 establishment may be enjoined from those violations.

3.13 (b) The attorney general may bring an action in the name of the state in a court of  
3.14 competent jurisdiction for recovery of civil penalties or for injunctive relief as provided in  
3.15 this subdivision. The attorney general may accept an assurance of discontinuance of acts  
3.16 in violation of subdivision 2 in the manner provided in section 8.31, subdivision 2b.

3.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.