



This Legislature also finds that several nations around the world have banned or are moving towards banning the distribution of plastic bags and, eleven towns and villages in New York State have implemented a ban.

Therefore, the purpose of this local law is to prohibit retail stores in Suffolk County from providing plastic carryout bags to their customers and to require a \$0.10 charge on recyclable paper bags that are provided at retail stores.

## **Section 2. Definitions.**

As used in this law, the following terms shall have the meanings indicated:

“PERSON” shall mean any natural person, firm, corporation, partnership or other organization or group however organized.

“PLASTIC CARRYOUT BAG” shall mean a single use plastic bag less than 2.00 mils thick that is provided to a customer at the point of sale.

“EXEMPT BAG” shall mean (1) a bag used to carry produce, meats, dry goods or other non-prepackaged food items to the point of sale within a store or to prevent such food items from coming into direct contact with other purchased items; (2) a garment bag or large plastic bag with two openings that is used to transport clothing from a clothing retailer or garment cleaner such as a dry cleaner; (3) a bag provided by a pharmacy to carry prescription drugs.

“RETAIL SALES” shall mean the transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sales, farmers’ markets and flea markets. The term “retail sales” does not include sales of goods at yard sales, tag sales, and other sales by residents at their homes.

“REUSABLE BAG” shall mean a bag with handles that is specifically designed and manufactured for multiple reuse and is: (1) made of cloth or other machine washable fabric; and/or (2) made of durable plastic that is at least 2.00 mils thick.

“RECYCLABLE PAPER BAG” shall mean a paper bag that (1) contains no old growth fiber; (2) is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content; and (3) displays the words “Reusable” and “Recyclable” on the outside of the bag.

“STORE” shall mean any retail establishment engaged in the sale of personal, consumer or household items including but not limited to drug stores, pharmacies, grocery stores, supermarkets, convenience food stores, or food markets that provide carry out bags to consumers.

## **Section 3. Prohibitions.**

Any person or store engaged in retail sales within the County of Suffolk is prohibited from providing plastic carry out bags and shall provide only reusable bags and/or recyclable paper bags as checkout bags to customers.

## **Section 4. Carryout bag fee.**

Any person engaged in retail sales and providing recyclable paper bags or reusable bags to its customers shall charge a fee of \$0.10 per recyclable paper bag or reusable bags. All monies collected as a result of the carryout bag fee, shall be retained by the store.

**Section 5. Exemptions.**

Exempt bags shall not be subject to the fee set forth in this law and no person shall be prevented from using a bag of any kind that they have brought with them for the purposes of carrying goods transferred as a result of a retail sale.

**Section 6. Enforcement.**

This law shall be enforced by the Suffolk County Department of Health Services in accordance with the provisions of Article II, Section 760-200 et seq., of the SUFFOLK COUNTY SANITARY CODE.

**Section 7. Rules and Regulations.**

The Commissioner of the Department of Health Services is hereby authorized and empowered to promulgate rules and regulations necessary to enforce this law.

**Section 8. Penalties for Offences.**

Any violation of this law shall be punishable by a civil fine of Five Hundred (\$500.00) dollars for each violation.

**Section 9. Reverse Preemption.**

This law shall be null and void on the day that Statewide or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent State or federal administrative agency issues and promulgates regulations preempting such action by the County of Suffolk. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions of this section.

**Section 10. Applicability.**

This law shall apply to all actions occurring on or after the effective date of this law.

**Section 11. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 12. SEQRA Determination.**

This Legislature has independently considered the Environmental Assessment Form (“EAF”), the Council on Environmental Quality (“CEQ”) recommendation, and any relevant testimony concerning the same; and

This Legislature, as SEQRA Lead Agency, hereby classifies the proposal as an Unlisted Action under the provisions of Title 6 NYCRR Part 617 and Chapter 450 of the Suffolk County Code; and

This Legislature, as SEQRA Lead Agency, hereby finds and determines that the proposal, pursuant to Title 6 NYCRR Part 617 and Chapter 450 of the Suffolk County Code, will not have significant adverse impacts on the environment for the following reasons:

1. The proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment as demonstrated in the Environmental Assessment Form;
2. The proposal does not significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and Code;
3. The proposed action requires that retailers charge customers a fee of \$0.10 per recyclable paper bag fee and no less than \$0.10 per reusable bag;
4. The proposed action requires that the recyclable paper bag used by retailers contains no old growth fiber, is 100 % recyclable overall and contains a minimum of 40% post-consumer recycled content;
5. As indicated in the Addendum to the Environmental Assessment Form there has been an observed reduction in single use plastic bags and paper bag use when other municipalities have implemented similar legislation;
6. The proposed local law is anticipated to result in the reduction of plastic bag use, especially thin “flyaway” plastic bag use, in Suffolk County which will have a positive impact on Suffolk County’s surface waters, shorelines, soils, groundwater, birds and sea life; and

This Legislature hereby adopts a determination of non-significance (negative declaration) and the Council of Environmental Quality is hereby directed to circulate and file all necessary notices in accordance with this resolution.

**Section 13. Effective Date.**

This law shall take effect on January 1, 2018.

DATED:

APPROVED BY:

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County Executive of Suffolk County

Date: