

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.*

§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 material that in significant part is produced from oil by a chemical process that is solid, light in weight and 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;*
- (c) *contains a minimum of 40% post-consumer recycled content; and*
- (d) *displays the word "Recyclable" 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 sale for direct removal from the establishment or through delivery to a home or business, including but not limited to the following: supermarket, convenience store, service station, department store, dollar store, clothing store, restaurant, food truck, farmers' market, dry cleaner or delivery service.*

(6) *"Reusable Bag" means a bag or container designed and manufactured for multiple reuses that is made of durable material and, if made from plastic, is at least 2.25 mils thick.*

(7) *"Single-use Plastic Bag" means a bag made from plastic that is less than 2.25 mils thick, 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. Imposition of Charge for Provision of Bags.

(1) *Beginning 90 days after the Effective Date, Retail Establishments shall collect a fifteen cent (\$0.15) charge for each Recyclable Paper Bag and each Reusable Bag provided to a customer at the establishment or through a delivery.*

(2) *Waiver of the charge by the Retail Establishment or otherwise reimbursing a customer for any portion of the charge for the provision of a bag pursuant to subsection 9-4503(1) is a violation of this Chapter.*

(3) *A Retail Establishment that is required to collect the charge pursuant to subsection 9-4503(1) shall indicate on the customer transaction receipt the number of bags provided and the total amount of the charge for such bags.*

§9-4504. 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; stating the amount of the charge for any bags that will be provided by the establishment; providing the date such charges will begin to be collected; explaining what types of bags and purchases are impacted; and providing any other information the Department may require by regulation.*

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SECTION 2. This Ordinance shall take effect immediately.