

Increasing Reusable Bag Proposal

Carryout bag means a paper, or plastic or reusable bag that is provided by a retail establishment at the check stand, cash register, point of sale, or other point of departure to a customer for the purpose of transporting food or merchandise out of the establishment.

Carryout bags include:

single use plastic bags, BPI certified compostable plastic bags; reusable bags, single use paper bags

Pass-through charge means a charge to be collected by retailers from their customers when providing carryout bags and retained by retailers to offset the cost of bags and other costs related to the pass-through charge.

Point-of-sale system means a cash register, credit card machine or other device that can be programmed or is capable of being used to itemize purchases including a description and/or cost for each item, which can calculate sales tax, add applicable fees, and which is capable of generating sale reports.

Retail establishment means any person, corporation, partnership, business venture, public sports or entertainment facilities, government agency, street vendor or vendor at public events or festivals or organizations that sell or provide merchandise, goods, or materials including, without limitation, clothing, beverages, household goods, or personal items of any kind directly to a customer. Examples include but are not limited to department stores, clothing stores, jewelry stores, grocery stores, pharmacies, home improvement stores, liquor stores, convenience stores, gas stations, and temporary vendors and merchandise at street fairs and festivals. Food banks and other food assistance programs are not considered to be retail establishments for the purposes of this section.

Exemptions. Carryout bags do not include:

- (1) Bags without handles used by customers to package bulk items such as fruit, vegetables, nuts, grains, candy, bakery goods, greeting cards, jewelry, or small hardware items, such as nails and bolts, or to contain or wrap flowers;
- (2) Bags used in dine-in or carry-out restaurants, food vending trucks, or temporary event food vendors to safeguard public health and safety during the transportation away from the restaurant;
- (3) Bags distributed at retail establishments which do not possess or utilize a point of sale system;
- (4) Bags used by organizations which receive them second hand and re-use them for distribution;
- (5) Bags sold in packages containing multiple bags intended for use as garbage, pet waste;
- (6) Bags distributed at farmers' markets;
- (7) Laundry dry-cleaning bags; or
- (8) Bags given where there is no transaction taking place such as:
 - a. Food banks and other food assistance programs;
 - b. Personal belonging bags at hospitals, hotels or dental offices;
 - c. Newspaper bags and door-hanger bags;
 - d. Bags given at car dealerships or car washes to be intended to collect garbage inside a vehicle;or

e. Litter clean up bags.

Section 3.

(a) Retail establishments shall collect a pass-through charge of not less than five (5) cents for each carryout bag, provided to customers. It shall be a violation of this section for any retail establishment to pay or otherwise reimburse a customer for any portion of the pass-through charge. All retail establishments shall indicate on the customer transaction receipt the number of carryout bags, provided and the total amount of the pass-through charge.

(b) Retail establishments are not required to collect a pass-through charge from anyone with a voucher or electronic benefits card issued under the Women, Infants and Children (WIC) or Temporary Assistance to Needy Families (TANF) support programs, or the federal Supplemental Nutrition Assistance Program (SNAP, also known as Basic Food), or a recognized Minnesota food assistance program.