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SENATE BILL NO. 720

Offered January 22, 2016

A *BILL to amend the Code of Virginia by adding in Article 2 of Chapter 9 of Title 15.2 a section numbered 15.2-939.1, relating to local environmental cleanup programs.*

Patron—Lewis

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 2 of Chapter 9 of Title 15.2 a section numbered 15.2-939.1 as follows:

§ 15.2-939.1. Environmental cleanup programs.

A. *As used in this section:*

"Environmental cleanup fee" means a fee imposed by a locality pursuant to an environmental cleanup program that is reasonably related to the size of the retailer's business and does not exceed \$5,000 per store annually.

"Environmental cleanup program" or "program" means a program established by a locality that provides recognition to a retailer in order to encourage environmentally friendly behavior on the part of the retailer.

"Small business" means an independently owned and operated business that has been organized pursuant to the laws of the Commonwealth or that maintains a principal place of business in the Commonwealth and has no more than 250 employees.

B. A locality may by ordinance establish an environmental cleanup program. Such ordinance shall include the requirements of the program and related recognition provided by the locality. An environmental cleanup program shall be voluntary and open to all retailers including chain, box, department grocery, convenience, or drug stores located within the locality that provide single use plastic bags to consumers. An environmental cleanup program shall provide recognition to retailers, which may include publication on the locality's website as an environmentally friendly business. The purpose of the program and its recognition shall be to encourage retailers to (i) train its staff to distribute fewer single use plastic bags, (ii) establish a customer bag credit program that provides a customer with a discount for bringing a bag to package his own purchase, (iii) establish a program in which the retailer buys back plastic bags in bulk, or (iv) establish a program in which the retailer provides for the convenient recycling of plastic bags.

C. Such ordinance may provide for the imposition of an environmental cleanup fee on retailers that provide single use plastic bags to consumers and that do not participate in the locality's environmental cleanup program. An environmental cleanup fee shall not be imposed on small businesses. Any fees collected by the locality shall be used for environmental cleanup in such locality and the administration of the program.

INTRODUCED

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