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HOUSE BILL NO. 1151

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Finance
on February 5, 2020)

(Patrons Prior to Substitute—Delegates Lopez and Ware [HB 1673])

*A BILL to amend the Code of Virginia by adding in Chapter 17 of Title 58.1 an article numbered 12, consisting of a section numbered 58.1-1745, relating to plastic bag tax; use of revenues.***Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding in Chapter 17 of Title 58.1 an article numbered 12, consisting of a section numbered 58.1-1745, as follows:***Article 12.**Plastic Bag Tax.***§ 58.1-1745. Plastic bag tax.***A. Any locality may, by duly adopted ordinance, impose upon every consumer of tangible personal property a tax in the amount of five cents (\$0.05) for each disposable plastic bag provided, whether free or for a cost, to the consumer by a restaurant or retailer in a grocery store, convenience store, or drug store. The tax shall be collected by the restaurant or retailer, along with the purchase price and all other fees and taxes, at the time the consumer pays for such personal property. However, every restaurant or retailer that collects any tax imposed under this article shall be allowed to retain one cent (\$0.01) from every five cents (\$0.05) collected, provided that such discounts are accounted for in the form of a deduction when submitting the tax return and paying the amount due in a timely manner.**B. Any tax imposed under this article shall not apply to the following:**1. Durable plastic bags with handles that are specifically designed and manufactured for multiple reuse;**2. Plastic bags used to carry ice cream, meat, fish, poultry, leftover restaurant food, newspapers, or dry cleaning;**3. Plastic bags used to carry alcoholic beverages or prescription drugs; and**4. Multiple plastic bags sold in packages and intended for use as garbage, pet waste, or leaf removal bags.**C. The Tax Commissioner shall collect, administer, and enforce the tax authorized under this article in the same manner that he collects, administers, and enforces the retail sales and use tax under Chapter 6 (§ 58.1-600 et seq.), mutatis mutandis. However, the dealer discount provided under § 58.1-622 shall not be allowed. The Tax Commissioner shall develop and make publicly available guidelines implementing the provisions of this article. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).**The Department shall enforce the provisions of this article.**D. Each ordinance imposing the tax shall provide for the tax to become effective on the first day of any calendar quarter. The locality shall, at least six months prior to the date the tax is to become effective, provide a certified copy of such ordinance to the Tax Commissioner.**E. Revenues from the tax authorized under this section, after reimbursement of direct costs incurred by the Department in administering and collecting this tax, shall be deposited in equal sums into the Virginia Water Quality Improvement Fund established by Article 4 (§ 10.1-2127.1 et seq.) of Chapter 21.1 of Title 10.1 and the Virginia Natural Resources Commitment Fund established by § 10.1-2128.1.*