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## SENATE BILL NO. 1012

Offered January 11, 2023

Prefiled January 6, 2023

A *BILL to amend the Code of Virginia by adding sections numbered 2.2-4326.1 and 15.2-938.1, relating to state and local prohibition on single-use plastic and expanded polystyrene products.*

Patron—Edwards

Referred to Committee on Agriculture, Conservation and Natural Resources

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding sections numbered 2.2-4326.1 and 15.2-938.1 as follows:**

**§ 2.2-4326.1. Prohibition on single-use plastic and expanded polystyrene products.**

A. For purposes of this section:

"Expanded polystyrene food service container" means the same as that term is defined in § 10.1-1414.

"Plastic" means a material consisting of a polymer to which additives or other substances may have been added and that can function as a main structural component of a final product, with the exception of natural polymers that have not been chemically modified.

"Plastic bag" shall not include the following:

1. Plastic bags used to carry ice cream, meat, fish, poultry, leftover restaurant food, newspapers, or dry cleaning;

2. Plastic bags used to carry alcoholic beverages or prescription drugs; or

3. Multiple plastic bags sold in packages and intended for use as garbage, pet waste, or leaf removal bags.

"Single-use" means any product that is made wholly or mostly from plastic or expanded polystyrene and is (i) not conceived, designed, or placed on the market to accomplish, within its life span, multiple trips or rotations by being returned to the producer for refill or reused for the same purpose for which it was conceived or (ii) generally recognized by the public as a product to be discarded after one use.

B. Beginning July 1, 2024, no state agency shall contract for the purchase, sale, or distribution of (i) single-use plastic bags, cutlery, straws, or water bottles or (ii) single-use plastic and expanded polystyrene food service containers, except during a state of emergency as defined in § 44-146.16.

C. The Department of General Services shall post public notice of all prohibited goods on its public procurement website and on other appropriate websites.

**§ 15.2-938.1. Local prohibition on single-use plastic and expanded polystyrene products.**

A. For purposes of this section:

"Expanded polystyrene food service container" means the same as that term is defined in § 10.1-1414.

"Plastic," "plastic bag," and "single-use" mean the same as those terms are defined in § 2.2-4326.1.

B. Any locality may by ordinance prohibit the purchase, sale, or provision, whether free or for a cost, of any (i) single-use plastic bags, cutlery, straws, or water bottles and (ii) single-use plastic and expanded polystyrene food service containers. A locality may except the purchase, sale, or provision of such products during a declared state of emergency.

C. A locality that adopts an ordinance pursuant to subsection B may exempt the purchase, sale, or provision, whether free or for a cost, of:

1. Single-use plastic straws intended for use by elderly persons or persons with a disability for which use of a straw is necessary or provides significant assistance; or

2. Single-use products that are (i) expanded polystyrene food service containers and are filled with food or beverages and sealed before entering the locality or (ii) used to package raw, uncooked, or butchered meat, fish, poultry, or seafood for off-premises consumption.

INTRODUCED

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