

# **Plastic Bags Reduction Act**

CHAPTER 25 OF THE ACTS OF 2019



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## CHAPTER 25 OF THE ACTS OF 2019

# **An Act to Reduce the Use of Plastic Bags and Other Single-use Products**

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(The table of contents is not part of the statute)

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### **Short title**

**1** This Act may be cited as the *Plastic Bags Reduction Act*. 2019, c. 25, s. 1.

### **Purpose**

**2** The purpose of this Act is to reduce the use of plastic bags and other single-use products to reduce plastic waste and litter. 2019, c. 25, s. 2.

### **Interpretation**

**3** In this Act,

(a) “checkout bag” means

(i) a bag intended to be used by a customer for the purpose of transporting items purchased or received by the customer from the business providing the bag, and

(ii) a bag used to package take-out food or food to be delivered;

(b) “business” includes a business incorporated under the *Companies Act* or required to be registered under the *Corporations Registration Act* and a sole proprietorship, a partnership or a co-operative association engaged in a retail or restaurant operation and, for the purpose of Sections 6 and 7, a person employed by, or operating on behalf of, a business, but does not include a charity;

(c) “plastic bag” means a bag made with plastic, including biodegradable plastic or compostable plastic, but does not include a reusable bag;

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- (d) “reusable bag” means a bag with handles that is
  - (i) intended to be used for transporting items purchased or received by the customer from a business,
  - (ii) designed and manufactured to be durable and capable of many uses, and
  - (iii) capable of being washed and disinfected;
- (e) “single-use product” means a product or packaging that is not conceived, designed or placed on the market to accomplish, within its life span, multiple trips or rotations by being returned to a producer for refill or reused for the same purpose for which it was originally conceived, designed or placed. 2019, c. 25, s. 3.

#### **Minister of Environment responsible for Act**

4 The Minister of Environment is responsible for the administration of this Act. 2019, c. 25, s. 4.

#### **Inspectors**

5 (1) The Minister may appoint persons as inspectors for the purpose of this Act.

(2) A person appointed as an inspector under this Act has, in carrying out the person’s duties under this Act, all the powers and authorities of and all of the protections afforded to an inspector under the *Environment Act*. 2019, c. 25, s. 5.

#### **Checkout bag prohibition**

6 Except as provided in this Act, no business shall provide a checkout bag to a customer that is a plastic bag. 2019, c. 25, s. 6.

#### **Reusable bag**

7 No business shall deny or discourage the use by a customer of the customer’s own reusable bag for the purpose of transporting items purchased or received by the customer from the business. 2019, c. 25, s. 7.

#### **Exemptions**

- 8 (1) Section 6 does not apply to
- (a) a bag used to
    - (i) package loose bulk items such as fruit, vegetables, nuts, grains or candy,
    - (ii) package loose small hardware items such as nails or nuts and bolts,
    - (iii) contain or wrap frozen foods, meat, poultry or fish, whether pre-packaged or not,
    - (iv) wrap flowers or potted plants,
    - (v) protect prepared foods or bakery goods that are not pre-packaged,

- (vi) contain prescription drugs received from a pharmacy,
  - (vii) transport live fish,
  - (viii) transport a large item that cannot easily fit in a reusable bag,
  - (ix) protect clothes after professional laundering or dry cleaning,
  - (x) package medical supplies and items used in the provision of health services, or
  - (xi) protect tires that cannot easily fit in a reusable bag;
  - (b) a bag of a type or material specified in the regulations;
- or
- (c) a bag intended to be used for a purpose specified in the regulations.

(2) Section 6 does not limit or restrict the sale of bags, including plastic bags, intended for use at the customer's home or business, that are sold in packages of multiple bags. 2019, c. 25, s. 8.

#### Offence

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- (1) A person who
- (a) contravenes this Act or the regulations;
  - (b) consents to, allows or permits an act or thing to be done contrary to this Act or the regulations; or
  - (c) neglects or refrains from doing anything required to be done by this Act or the regulations,

is guilty of an offence and liable on summary conviction to a fine in the amount prescribed by the regulations.

(2) Each occurrence of a contravention of a provision of this Act or the regulations, and each day or part of a day on which a contravention continues, constitutes a separate offence. 2019, c. 25, s. 9.

#### Regulations

10

- (1) The Governor in Council may make regulations
- (a) specifying types of bags or materials from which bags are made for the purpose of clause 8(1)(b);
  - (b) specifying an intended use for a bag for the purpose of clause 8(1)(c);
  - (c) respecting the production, provision, distribution, use, restriction and prohibition of single-use products or classes or types of single-use products;
  - (d) respecting the measures a person or class of persons must take to reduce the use of single-use products in the Province;

- (e) establishing classes or types of single-use products;
- (f) exempting certain classes or types of single-use products from any or all of the regulations made pursuant to this Act;
- (g) respecting standards and minimum requirements for reusable and other products to be used as an alternative to single-use products;
- (h) setting fines for contraventions of this Act or the regulations, including setting different fines for individuals and corporations;
- (i) respecting the appointment and powers of inspectors;
- (j) defining any word or expression used but not defined in this Act;
- (k) further defining any word or expression defined in this Act;
- (l) respecting any other matter or thing the Governor in Council considers necessary or advisable to carry out the intent and purposes of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*. 2019, c. 25, s. 10.

**Effective date**

11 This Act has effect on and after one year after it receives Royal Assent. 2019, c. 25, s. 11.

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