

SB1872



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1872

Introduced 2/5/2025, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

New Act

Creates the Single-Use Plastic Bag Reduction Act. Defines terms. Prohibits, starting July 1, 2026, a retail mercantile establishment from offering or making available a single-use checkout bag to consumers at the point of sale. Allows a retail mercantile establishment to offer a recycled paper bag or reusable bag to consumers. Requires a fee of at least \$0.10 per recycled bag to be retained by the retail mercantile establishment. Exempts bags for certain governmental food assistance programs. Limits use of the fee with respect to credit card and other fees. Provides for educational material and signage. Provides for enforcement, including civil penalties. Limits home rule powers.

LRB104 08580 BDA 18632 b

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Single-Use Plastic Bag Reduction Act.

6 Section 5. Definitions. As used in this Act:

7 "Agency" means the Illinois Environmental Protection
8 Agency.

9 "Consumer" means any person who makes a purchase at
10 retail.

11 "Person" means an individual, natural person, public or
12 private corporation, government, partnership, unincorporated
13 association, or other entity.

14 "Plastic" means an organic or petroleum derived synthetic
15 or a semisynthetic solid material synthesized by the
16 polymerization of organic substances that is moldable into
17 various rigid and flexible forms, and to which additives or
18 other substances may have been added. "Plastic" does not
19 include natural polymers that have not been chemically
20 modified.

21 "Primarily engaged" means having sales of ready-to-eat
22 food for immediate consumption comprising at least 51% of the
23 total sales, excluding the sale of liquor.

1 "Recycled paper bag" means a paper bag that:

2 (1) is 100% recyclable; and

3 (2) contains at least 40% post-consumer recycled
4 material.

5 "Restaurant" means any business that is primarily engaged
6 in the sale of ready-to-eat food for immediate consumption.

7 "Retail mercantile establishment" means a business that
8 makes sales at retail and generates occupation or use tax
9 revenue. "Retail mercantile establishment" does not include
10 restaurant or small retail mercantile establishment.

11 "Reusable bag" means a bag with threaded stitched handles
12 that:

13 (1) is designed and manufactured for multiple uses;

14 (2) can carry 22 pounds of a distance of 175 feet; and

15 (3) is made of cloth, fiber, or other fabric or
16 recycled material that is machine washable and can be
17 cleaned and disinfected regularly.

18 "Single-use checkout bag" means a single-use plastic bag
19 that is provided by a retail mercantile establishment at the
20 checkout, cash register, or point of sale to a consumer for the
21 purpose of transporting goods out of the retail mercantile
22 establishment and that is not a recycled paper bag or reusable
23 bag. The term "Single-use checkout bag" does not include a bag
24 that is:

25 (1) used to package bulk items such as fruit,
26 vegetables, nuts, grains, or candy;

1 (2) used for greeting cards, balloons, or small
2 hardware items such as nails and bolts;

3 (3) used to contain or wrap frozen foods, meat, or
4 fish whether prepackaged or not;

5 (4) used to contain or wrap flowers or potted plants
6 or other items where dampness may be a problem;

7 (5) used to contain unwrapped prepared foods or bakery
8 goods;

9 (6) used to contain prescription drugs;

10 (7) sold in packages containing multiple bags intended
11 for use as garbage bags, pet waste bags or yard waste bags;

12 (8) brought to a store by the consumer for their own
13 use or to carry away from the store goods that are not
14 placed in a bag provided by the store;

15 (9) provided by a dine-in or take-out restaurant to
16 contain food or drink purchased by the restaurant's
17 consumers;

18 (10) plastic liners that are permanently affixed, or
19 designed and intended to be permanently affixed, to the
20 inside of a particular bag;

21 (11) a newspaper bag, door-hanger bag, laundry
22 cleaning bag, garment bag; or

23 (12) used for an online or digital orders where an
24 employee of the retail mercantile establishment packages
25 the goods for curbside pick-up or delivery.

26 "Small retail mercantile establishment" means a retail

1 mercantile establishment that has 12 or fewer locations in the
2 State, and is not part of a franchise, corporation, or
3 partnership; or is a retailer as defined by the Motor Fuel and
4 Petroleum Standards Act and is less than 5,000 square feet.

5 Section 10. Single-use checkout bag prohibition. Starting
6 July 1, 2026, a retail mercantile establishment shall not
7 offer a single-use checkout bag to consumers at the point of
8 sale or otherwise make a single-use checkout bag available to
9 consumers. A retail mercantile establishment may offer a
10 recycled paper bag or reusable bag to consumers.

11 Section 15. Recycled paper bag fees.

12 (a) If a retail mercantile establishment offers a recycled
13 paper bag to consumers, the retail mercantile establishment
14 shall charge a fee of at least \$0.10 per recycled paper bag
15 offered to a consumer.

16 (b) All amounts collected pursuant to this Section are
17 retained by the retail mercantile establishment and may be
18 used for any lawful purpose.

19 (c) A retail mercantile establishment may not rebate or
20 otherwise reimburse a customer any portion of the fee charged
21 pursuant to this Section.

22 (d) The fee imposed under this Section does not apply to
23 recycled paper bags that are used to carry items purchased
24 pursuant to the Supplemental Nutrition Assistance Program,

1 Women Infants, and Children program, or a similar governmental
2 food assistance program. Any final purchase price that
3 includes a recycled paper bag fee must be excluded from the
4 amount upon which any fee is charged the retail mercantile
5 establishment by any person when a consumer uses a card, note,
6 plate, coupon book, credit, or any other similar device to
7 purchase the paper bag.

8 Section 20. Education material and signage.

9 (a) Every retail mercantile establishment subject to the
10 single-use checkout bag prohibition and collection of the
11 recycled paper bag fee shall conspicuously display a sign in a
12 location outside or inside of the establishment, viewable by
13 customers, alerting customers to the state's single-use
14 checkout bag prohibition and recycled paper bag fee.

15 (b) The Agency shall develop educational and promotional
16 material, including a sign that complies with subsection (a)
17 of this section, regarding the state's single-use checkout bag
18 prohibition and recycled paper bag fee. The Agency shall make
19 the material available on the Agency's website for use by
20 retail mercantile establishments that are subject to the
21 requirements of this Act.

22 Section 25. Enforcement.

23 (a) The Agency may cause periodic inspections to be made
24 of retailers in order to determine compliance with this Act.

1 The Agency shall investigate complaints received concerning
2 violations of this Act.

3 (b) If the Agency finds that any person has committed a
4 violation of any provision of this Act, the Agency shall issue
5 a warning to the person. Any person who commits a second
6 violation within 12 months after the issuance of the warning
7 shall be subject to a civil penalty, issued by the Agency, of
8 up to \$100. Any further violations committed within 12 months
9 of the most recent violation after the second or subsequent
10 violation shall be subject to a civil penalty of not more than
11 \$500.

12 (c) Any penalties collected under this Section shall be
13 deposited into the Environmental Protection Trust Fund, to be
14 used in accordance with the provisions of the Environmental
15 Protection Trust Fund Act.

16 Section 30. Municipal plastic bag audits; home rule. The
17 power to audit taxes or fees on the collection, remittance,
18 and payment of any taxes on plastic bags, however defined, is
19 an exclusive power and function of the State. A municipality,
20 including a home rule municipality, may not conduct a
21 financial audit, with respect to the provision of plastic
22 bags, of any person that provides a plastic bag to a consumer.
23 This Section is a denial and limitation of home rule powers and
24 functions under subsection (h) of Section 6 of Article VII of
25 the Illinois Constitution.

1 Section 35. Regulation of checkout bags; home rule. A
2 municipality or county, including a home rule unit, may not
3 regulate in any manner the use, disposition, content,
4 taxation, or sale of any checkout bag, however defined, that
5 is provided by a retail mercantile establishment at the
6 checkout, cash register, point of sale, or other point of
7 departure to a consumer for the purpose of transporting goods
8 out of the retail mercantile establishment. This Section is a
9 denial and limitation of home rule powers and functions under
10 subsection (g) of Section 6 of Article VII of the Illinois
11 Constitution.