

# SB3742



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3742

Introduced 2/5/2026, by Sen. Emil Jones, III

### SYNOPSIS AS INTRODUCED:

New Act

Creates the Single-Use Plastic Bag Taxation Act. Provides that, if a retail mercantile establishment offers a single-use checkout bag to consumers, the retail mercantile establishment shall charge consumers a fee of \$0.05 for each single-use checkout bag offered. Provides that all fees collected shall be retained by the retail mercantile establishment and may be used for any lawful purpose, other than providing a customer a rebate or other form of reimbursement for the fee. Provides that the fee shall not apply to recycled paper bags that are used to carry items purchased pursuant to the Supplemental Nutrition Assistance Program, Women Infants, and Children program or a similar governmental food assistance program. Contains other provisions. Denies home rule powers.

LRB104 19246 WRO 32692 b

A BILL FOR

1 AN ACT concerning regulation.

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 Taxation Act.

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

7 "Plastic" means an organic or petroleum-derived synthetic  
8 or a semisynthetic solid material synthesized by the  
9 polymerization of organic substances that is moldable into  
10 various rigid and flexible forms, and to which additives or  
11 other substances may have been added. "Plastic" does not  
12 include natural polymers that have not been chemically  
13 modified.

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

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

23 (2) used for greeting cards, balloons, or small

1 hardware items such as nails and bolts;

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

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

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

8 (6) used to contain prescription drugs;

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

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

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

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

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

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

25 Section 10. Single-use checkout bag fees.

1 (a) If a retail mercantile establishment offers a  
2 single-use checkout bag to consumers, the retail mercantile  
3 establishment shall charge a fee of \$0.05 per single-use  
4 checkout bag offered to a consumer.

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

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

11 (d) The fee imposed under this Section shall not apply to  
12 recycled paper bags that are used to carry items purchased  
13 pursuant to the Supplemental Nutrition Assistance Program,  
14 Women Infants, and Children program, or a similar governmental  
15 food assistance program. Any final purchase price that  
16 includes a single-use checkout bag fee must be excluded from  
17 the amount upon which any fee is charged the retail mercantile  
18 establishment by any person when a consumer uses a card, note,  
19 plate, coupon book, credit, or any other similar device to  
20 purchase the single-use checkout bag.

21 Section 15. Regulation of checkout bags; home rule. A  
22 municipality or county, including a home rule unit, may not  
23 regulate in any manner the use, disposition, content,  
24 taxation, or sale of any checkout bag, however defined, that  
25 is provided by a retail mercantile establishment at the

1 checkout, cash register, point of sale, or other point of  
2 departure to a consumer for the purpose of transporting goods  
3 out of the retail mercantile establishment. This Section is a  
4 denial and limitation of home rule powers and functions under  
5 subsection (g) of Section 6 of Article VII of the Illinois  
6 Constitution.