

REFERENCE TITLE: checkout bags; penalty; enforcement; reporting

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2802

Introduced by
Representatives Connolly: Aguilar, Crews, Liguori, Márquez, Simacek

AN ACT

REPEALING SECTIONS 9-500.38 AND 11-269.16, ARIZONA REVISED STATUTES;
AMENDING SECTION 44-1648, ARIZONA REVISED STATUTES; AMENDING TITLE 49,
CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 49-119;
RELATING TO AUXILIARY CONTAINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Repeal

3 Sections 9-500.38 and 11-269.16, Arizona Revised Statutes, are
4 repealed.

5 Sec. 2. Section 44-1648, Arizona Revised Statutes, is amended to
6 read:

7 44-1648. Preemption; power of local authorities; city, town
8 or county licensing system

9 A. The state legislature determines that the registration of scrap
10 metal dealers is a matter of statewide concern. The power to register
11 scrap metal dealers is preempted by this state.

12 B. ~~Sections 9-500.38 and 11-269.16 do not affect a city's, town's~~
13 ~~or county's power to enforce laws relating to business licensing of scrap~~
14 ~~metal dealers.~~ This article does not affect a city's, town's or county's
15 power to enforce laws relating to business licensing. ~~Sections 9-500.38~~
16 ~~and 11-269.16 and~~ This article ~~do~~ DOES not apply to a city's, town's or
17 county's system for licensing a scrap metal dealer if the licensing system
18 includes background checks or identification and fingerprinting of the
19 owners of the scrap metal dealer.

20 C. A scrap metal dealer's license that is current and in good
21 standing with a city's, town's or county's licensing system before
22 September 13, 2013 is in compliance with that licensing system and the
23 city, town or county may not require the scrap metal dealer to reapply for
24 licensure in order to be in compliance with the city's, town's or county's
25 licensing system unless there is an event or circumstance that requires an
26 amendment or filing pursuant to the city's, town's or county's licensing
27 system's requirements.

28 Sec. 3. Title 49, chapter 1, article 1, Arizona Revised Statutes,
29 is amended by adding section 49-119, to read:

30 49-119. Checkout bags; civil penalty; enforcement;
31 definitions

32 A. A RETAIL ESTABLISHMENT MAY NOT PROVIDE SINGLE-USE CHECKOUT BAGS
33 TO ANY CUSTOMERS.

34 B. A RETAIL ESTABLISHMENT THAT CHARGES \$.05 OR MORE PER BAG MAY
35 PROVIDE THE FOLLOWING TYPE OF BAGS TO CUSTOMERS:

- 36 1. REUSABLE FABRIC CHECKOUT BAGS.
- 37 2. RECYCLED PAPER CHECKOUT BAGS.
- 38 3. REUSABLE PLASTIC CHECKOUT BAGS.

39 C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, A RETAIL
40 ESTABLISHMENT MAY:

41 1. PROVIDE A REUSABLE FABRIC CHECKOUT BAG FREE OF CHARGE PURSUANT
42 TO A PROMOTION NOT MORE THAN TWELVE DAYS PER CALENDAR YEAR.

43 2. PROVIDE A RECYCLED PAPER CHECKOUT BAG OR REUSABLE PLASTIC
44 CHECKOUT BAG TO A CUSTOMER AT NO COST IF THE CUSTOMER PRESENTS EITHER OF
45 THE FOLLOWING TO THE RETAIL ESTABLISHMENT:

1 (a) A VOUCHER ISSUED PURSUANT TO THE ARIZONA SPECIAL SUPPLEMENTAL
2 FOOD PROGRAM FUND FOR WOMEN, INFANTS AND CHILDREN ESTABLISHED BY SECTION
3 46-331.

4 (b) AN ELECTRONIC BENEFIT TRANSFER CARD ISSUED BY THE DEPARTMENT OF
5 ECONOMIC SECURITY.

6 D. A RETAIL ESTABLISHMENT SUBJECT TO THIS SECTION SHALL REPORT BOTH
7 OF THE FOLLOWING TO THE DIRECTOR:

8 1. THE TOTAL AMOUNT OF FEES COLLECTED PURSUANT TO THIS SECTION.

9 2. THE NUMBER OF EACH TYPE OF BAG SOLD OR GIVEN AWAY PURSUANT TO
10 THIS SECTION.

11 E. AFTER A HEARING, THE DEPARTMENT MAY IMPOSE A CIVIL PENALTY OF
12 NOT MORE THAN \$250 AGAINST A PERSON THAT VIOLATES THIS SECTION. EACH DAY
13 A PERSON COMMITS A VIOLATION CONSTITUTES A SEPARATE OFFENSE.

14 F. A CITY, TOWN OR COUNTY MAY:

15 1. ADOPT, AMEND OR ENFORCE AN ORDINANCE OR REGULATION TO IMPOSE A
16 PENALTY OTHER THAN THE CIVIL PENALTY PROVIDED BY SUBSECTION E OF THIS
17 SECTION. A RETAIL ESTABLISHMENT MAY BE SUBJECT TO A PENALTY IMPOSED
18 PURSUANT TO EITHER THE ORDINANCE OR REGULATION OR SUBSECTION E OF THIS
19 SECTION, BUT NOT BOTH.

20 2. ADOPT, AMEND OR ENFORCE AN ORDINANCE OR REGULATION TO REQUIRE A
21 RETAIL ESTABLISHMENT TO CHARGE A FEE OF MORE THAN \$.05 PER BAG.

22 G. FOR THE PURPOSES OF THIS SECTION:

23 1. "RECYCLED PAPER CHECKOUT BAG" MEANS A PAPER BAG THAT CONTAINS AT
24 LEAST FORTY PERCENT POST-CONSUMER RECYCLED FIBER.

25 2. "RETAIL ESTABLISHMENT" MEANS A STORE THAT SELLS OR OFFERS FOR
26 SALE GOODS AND THAT IS NOT A RESTAURANT.

27 3. "REUSABLE FABRIC CHECKOUT BAG" MEANS A BAG WITH HANDLES THAT IS
28 SPECIFICALLY DESIGNED AND MANUFACTURED FOR MULTIPLE REUSES AND IS MADE OF
29 CLOTH OR OTHER MACHINE-WASHABLE FABRIC.

30 4. "REUSABLE PLASTIC CHECKOUT BAG" MEANS A BAG WITH HANDLES THAT IS
31 SPECIFICALLY DESIGNED AND MANUFACTURED FOR MULTIPLE REUSES AND IS MADE OF
32 DURABLE PLASTIC THAT IS AT LEAST FOUR MIL THICK.

33 5. "SINGLE-USE CHECKOUT BAG":

34 (a) MEANS A BAG MADE OF PAPER, PLASTIC OR ANY OTHER MATERIAL THAT
35 IS PROVIDED BY A RETAIL ESTABLISHMENT TO A CUSTOMER AT THE TIME OF
36 CHECKOUT.

37 (b) DOES NOT INCLUDE:

38 (i) A RECYCLED PAPER CHECKOUT BAG, A REUSABLE FABRIC CHECKOUT BAG
39 OR A REUSABLE PLASTIC CHECKOUT BAG.

40 (ii) A BAG USED TO PACKAGE BULK ITEMS, SUCH AS FRUIT, VEGETABLES,
41 NUTS, GRAINS, GREETING CARDS OR SMALL HARDWARE ITEMS.

42 (iii) A BAG THAT CONTAINS OR WRAPS FROZEN FOOD, MEAT, FISH,
43 FLOWERS, POTTED PLANTS OR ANOTHER ITEM FOR THE PURPOSE OF ADDRESSING
44 DAMPNESS OR SANITATION.

45 (iv) A BAG THAT CONTAINS UNWRAPPED PREPARED FOOD OR A BAKERY GOOD.

1 (v) A BAG THAT CONTAINS A PRESCRIPTION DRUG.

2 (vi) A NEWSPAPER BAG, DOOR HANGER BAG, GARMENT BAG, LAUNDRY BAG OR
3 DRY CLEANING BAG.

4 (vii) A BAG THAT IS SOLD IN A PACKAGE CONTAINING MULTIPLE BAGS FOR
5 USES, SUCH AS FOOD STORAGE, GARBAGE CONTAINMENT OR PET WASTE COLLECTION.

6 Sec. 4. Department of environmental quality; checkout bags;
7 report; delayed repeal

8 A. On or before December 31, 2032, the department of environmental
9 quality shall submit a report on the impacts of this act to the governor,
10 the president of the senate, the speaker of the house of representatives
11 and provide a copy of this report to the secretary of state.

12 B. The report shall include both of the following:

13 1. The total amount of monies collected by regulated entities
14 pursuant to this act.

15 2. Customers' usage rates of each type of allowable bag.

16 C. This section is repealed from and after December 31, 2033.

17 Sec. 5. Effective date

18 This act is effective from and after December 31, 2028.