

**A BILL FOR AN ACT**

To ban the importation, production, distribution and use of single-use plastic bags in the Commonwealth; and for other purposes.

**BE IT ENACTED BY THE TWENTY-FIRST NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE:**

1           **Section 1. Short Title.** This Act may be cited as the “Single-Use Act of 2019.”

2           **Section 2. Findings and Purpose.** The Legislature finds that discarded non-  
3 compostable plastic bags pollute the environment and pose a significant threat to terrestrial  
4 and marine animals. In addition to the harm that these plastic bags present, the  
5 manufacturing of these bags requires the needless consumption of the earth’s ever-  
6 depleting non-renewable resources. While the economic and social costs associated with  
7 plastic bags are high, attempts to mitigate the harms through recycling have proven  
8 ineffectual because the present price of recycling is prohibitively higher.

9           The Legislature further finds that as temporary residents of this earth, and in  
10 particular, as stewards of this Commonwealth, we have a duty to preserve our resources,  
11 and to act as guardians for Mother Earth for the benefit of our children and their children.  
12 As set forth in more detail herein, issues relating to the economic and environmental  
13 consumption and impact associated with plastic bags must no longer be ignored.

14           The Legislature finds that each year, an estimated 1 trillion plastic bags are used  
15 worldwide. This amounts to over one million bags per minute. According to the U.S.  
16 Environmental Protection Agency, over 380 billion plastic bags, sacks and wraps are  
17 consumed in the United States each year. *The Wall Street Journal* reported that the United  
18 States consumes 100 billion single-used plastic shopping bags annually at an estimated  
19 cost to retailers of 4 billion dollars, the industry publication *Modern Plastics* reported that  
20 Taiwan consumes 20 billion bags a year at a rate of 900 bags per person, and Australia's  
21 Department of Environment reports that Australians consume 6.9 billion plastic bags each

1 year – 326 bags per person. It is estimated that 49.6 million of these plastic bags end up as  
2 litter each year, scattered across the earth’s lands and oceans.

3           The Legislature further finds that hundreds of thousands of birds, sea turtles, whales  
4 and other marine and land wildlife die every year from ingestion of discarded plastic bags  
5 and plastic products mistaken for food. Plastic bags are also harmful because rather than  
6 biodegrade, they photodegrade – that is, they break down into smaller and smaller toxic  
7 bits, which can take up to 1,000 years for a single plastic bag. These toxic materials  
8 eventually contaminate the soil and waterways and enter the food chain when animals  
9 mistakenly ingest them as food. It is estimated that 46,000 pieces of plastic are found  
10 floating in every square mile of ocean.

11           This Act manifests but one avenue for a CNMI-wide effort to assist our global  
12 neighbors in the reversal of global warming and greenhouse effects that threaten to harm  
13 our environment and the welfare of all the earth’s present and future inhabitants.  
14 Recognizing that the changes mandated herein may be considered inconvenient and  
15 expensive, the Legislature finds that the alternative of doing nothing, of standing idly by,  
16 is unacceptable.

17           The Legislature further finds that during the General Assembly of the 38<sup>th</sup>  
18 Association of Pacific Island Legislatures (APIL), Resolution No. 38-GA-12 was  
19 introduced calling upon the attention of all APIL Member Jurisdictions to come together  
20 as one Pacific region to develop a vision for the future of global plastic governance.  
21 Members in attendance of the 38<sup>th</sup> APIL General Assembly discussed the rising reality of  
22 the detrimental effects of plastic on our lands, in our pristine waters and our valuable  
23 marine resources. Furthermore, APIL Res. No. 38-GA-12 stated that on March 15, 2019,  
24 the United Nations Environment Assembly in Nairobi, passed UNEP/EA.4/Res.6 entitled,  
25 Marine Plastic Litter and Microplastics, globally stressing the urgent need for all countries  
26 to take heed on efforts to reduce the use of plastic to prevent the growing harm to our  
27 marine life. It is estimated that the volume of plastic in the ocean will be more than fish by  
28 2050. Our oceans are in great danger.

1           The Legislature finds that governments around the world are working on  
2 implementing policies for the protection of the environment. To date, several Pacific  
3 islands that have all taken the initiative to address the growing concerns of plastic in their  
4 respective island communities are American Samoa, the Republic of Palau, State of  
5 Hawaii, Guam, Federated States of Micronesia-Yap, Fiji, Vanuatu, and the Republic of the  
6 Marshall Islands. It is therefore the intent of this Act to ban the importation, production,  
7 distribution and use of single-use plastic bags in the Commonwealth.

8           **Section 3. Enactment.** Subject to codification by the Commonwealth Law  
9 Revision Commission, the following provisions are hereby enacted:

10                   “§101. Definitions. As used in this chapter, the following terms shall, unless  
11 the context clearly indicates otherwise, have the following meanings:

12                   (a) “BECQ” means the Bureau of Environmental and Coastal Quality.

13                   (b) “Mil” means a unit of measurement used in the United States for the  
14 gauge or thickness of plastic bags that is equal to “0.001” or “one-hundredth of an  
15 inch”.

16                   (c) “Business” means a sole proprietorship, partnership, joint venture,  
17 corporation, or other business entity, either for-profit or not-for-profit, including  
18 retail establishments where goods or services are sold, which includes but not  
19 limited to: food markets, convenience marts, department stores, hardware stores,  
20 liquor stores, sporting goods stores, office supply stores, restaurants, agricultural or  
21 commercial fishing roadside vendors, or other businesses operating in the  
22 Commonwealth that offers retail or food for sale to consumers; and as well as  
23 professional corporations and other entities where legal, medical, dental,  
24 engineering, architectural, or other professional services are delivered.

25                   (d) “Reusable bag” means a bag made of recycled paper, biodegradable or  
26 compostable plastic that is specifically designed for re-use, and bags made of  
27 reusable machine-washable textile materials.

1 (e) "Single-use plastic bag" means a bag that is specifically designed and  
2 manufactured for one-time use, normally for transporting groceries or other  
3 products. Plastic Bags that are less than 3 mils thickness are considered single-use.

4 §102. Prohibition of the Importation, Production, Distribution and Use of  
5 Single-Use Plastic Bags.

6 (a) Four months from the effective date of this Act, any individual or  
7 business in the Commonwealth shall not import or produce single-use plastic bags  
8 for distribution. The Division of Customs shall:

9 (1) Inspect shipments and shall seize any goods prohibited in this  
10 Section; and

11 (2) Enforce the penalties listed in §105 four months from the  
12 effective date of this Act.

13 (b) One year following the effective date of this Act, all businesses in the  
14 Commonwealth are prohibited from providing single-use plastic checkout bags to  
15 their customers for the purpose of transporting groceries or other goods; and

16 (c) Nothing in this section shall preclude a business establishment from  
17 making available to customers reusable bags, paper bags, or cardboard boxes for  
18 the purpose of transporting groceries or other products.

19 §103. Reusable Bags and Paper Bags.

20 (a) Businesses may make reusable bags or paper bags available for sale, or  
21 without charge, to customers for the purpose of transporting groceries or other  
22 products; and

23 (b) Bags made from plastic that are washable, specifically designed and  
24 manufactured for multiple re-use, and are at least 3.0 mils thick will be acceptable  
25 as a reusable bag.

26 §104. Enforcement and Inspections.

27 (a) The BECQ and the Department of Commerce enforcement divisions  
28 shall be responsible for the enforcement of §102 and §105 of this Act, and may  
29 enter into memorandums of understanding to coordinate their enforcement efforts

1 and to create a task force to educate the general public as well as the affected  
2 business community about the requirements and provisions of this Act; and

3 (b) The BECQ and the Department of Commerce enforcement divisions  
4 shall have the right to conduct inspections of stores and restaurants without prior  
5 notice during the business establishment's regular business hours. During such an  
6 inspection, the BECQ and Department of Commerce shall have the right to visit  
7 every part of the premises to ensure compliance with this chapter.

8 §105. Fines and Penalties.

9 (a) Any business establishment violating any part of this Act shall be issued  
10 a Notice of Violation and Order that shall state:

- 11 (1) Date of issuance of notice;
- 12 (2) Name and address of violator;
- 13 (3) Location of the violation;
- 14 (4) Brief description of the violation; and
- 15 (5) Date of violation.

16 (b) In addition to the Notice of Violation, a business establishment shall be  
17 issued a civil fine in the following manner:

- 18 (1) First violation: A minimum fine of \$250 per day from date of  
19 issuance.
- 20 (2) Second violation: A minimum fine of \$500 per day from date of  
21 issuance.
- 22 (3) Third violation: A minimum fine of \$1,000 per day from the date  
23 of issuance.
- 24 (4) Subsequent violation: A minimum fine of \$1,000 but no more  
25 than \$1,500 per day from the date of issuance.”

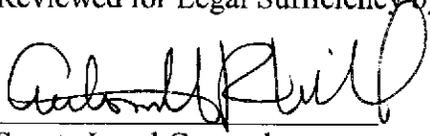
26 **Section 4. Severability.** If any provision of this Act or the application of any such  
27 provision to any person or circumstance should be held invalid by a court of competent  
28 jurisdiction, the remainder of this Act or the application of its provisions to persons or  
29 circumstances other than those to which it is held invalid shall not be affected thereby.

1           **Section 5. Savings Clause.** This Act and any repealer contained herein shall not  
2 be construed as affecting any existing right acquired under contract or acquired under  
3 statutes repealed or under any rule, regulation, or order adopted under the statutes.  
4 Repealers contained in this Act shall not affect any proceeding instituted under or pursuant  
5 to prior law. The enactment of the Act shall not have the effect of terminating, or in any  
6 way modifying, any liability, civil or criminal, which shall already be in existence on the  
7 date this Act becomes effective.

8           **Section 6. Effective Date.** This Act shall take effect upon its approval by the  
9 Governor or becoming law without such approval.

Date: 8/15/19

Introduced By:   
Senator Vinnie F. Sablan

Reviewed for Legal Sufficiency by:  
  
Senate Legal Counsel