

CHAPTER 19**(HB 233)**

AN ACT relating to plastic containers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 224.50-585 is amended to read as follows:

- (1) As used in this section:
 - (a) "Rigid plastic container" means any formed or molded article comprised predominantly of plastic resin and having a relatively inflexible finite shape or form intended primarily as a single service container with a capacity of eight (8) ounces or more and less than five (5) gallons;
 - (b) "Rigid plastic bottle" means any rigid plastic container with a neck that is smaller than the container body with a capacity of sixteen (16) ounces or more and less than five (5) gallons; and
 - (c) "Label" means a code label described in this section molded into the bottom of the plastic product.
- (2) All rigid plastic bottles and rigid plastic containers sold in Kentucky on and after January 1, 1992, shall be labeled with a code which indicates the resin used to produce the rigid plastic bottle or rigid plastic container. The code shall consist of a number placed inside a triangle and letters placed below the triangle. The triangle shall be equilateral, formed by three (3) arrows with the apex of each point of the triangle at the midpoint of each arrow, rounded with a short radius. The pointer or arrowhead of each arrow shall be at the midpoint of each side of the triangle with a short gap separating the pointer from the base of the adjacent arrow. The triangle, formed by the three (3) arrows curved at their midpoints, shall depict a clockwise path around the code number. The numbers and letters used shall be as follows:
 - 1 = PETE (polyethylene terephthalate)
 - 2 = HDPE (high density polyethylene)
 - 3 = V (vinyl)
 - 4 = LDPE (low density polyethylene)
 - 5 = PP (polypropylene)
 - 6 = PS (polystyrene)
 - 7 = OTHER (represents all other resins, including layered plastics
of a combination of materials).
- (3) *A rigid plastic bottle or rigid plastic container constructed with a layer of resin or other plastic component made of material different from that constituting the primary resin may be labeled with the code for the primary resin constituting the bottle or container if the manufacturer of the container or bottle provides documentation satisfactory to the cabinet that the manufacturer has successfully demonstrated and has received a letter from the Association of Postconsumer Plastic Recyclers (APR) confirming that the bottle meets or exceeds the APR Critical Guidance Document and APR General Guidance Document Bottle-to-Bottle protocol. After receipt and review of satisfactory documentation, the cabinet shall provide a letter of approval and designation of the resin code that may be used.*

Signed by Governor April 9, 2008.