

1 AN ACT relating to plastic waste.

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

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

4 (1) As used in this section:

5 (a) "Rigid plastic container" means any formed or molded article comprised
6 predominantly of plastic resin and having a relatively inflexible finite shape or
7 form intended primarily as a single service container with a capacity of eight
8 (8) ounces or more and less than five (5) gallons;

9 (b) "Rigid plastic bottle" means any rigid plastic container with a neck that is
10 smaller than the container body with a capacity of sixteen (16) ounces or more
11 and less than five (5) gallons;~~and~~

12 (c) "Label" means a code label described in this section molded into the bottom
13 of the plastic product;

14 **(d) "Mil" means a unit of measurement that equals one one-thousandth**
15 **(0.001) of one (1) inch;**

16 **(e) "Plastic bag" means a thin film bag made of plastic derived from petroleum**
17 **that is not biodegradable and is less than two and one-half (2.5) mils in**
18 **thickness;**

19 **(f) "Plastic balloon" means a balloon made from nonbiodegradable plastic,**
20 **latex, or the resin polyethylene terephthalate;**

21 **(g) "Plastic beverage straw" means a single-use beverage or stirring straw**
22 **made from plastic derived from petroleum that is not biodegradable; and**

23 **(h) "Polystyrene foam" or "Styrofoam" means a lightweight, rigid,**
24 **thermoplastic foam made from a polymer of styrene.**

25 (2) All rigid plastic bottles and rigid plastic containers sold in Kentucky on and after
26 January 1, 1992, shall be labeled with a code which indicates the resin used to
27 produce the rigid plastic bottle or rigid plastic container. The code shall consist of a

1 number placed inside a triangle and letters placed below the triangle. The triangle
2 shall be equilateral, formed by three (3) arrows with the apex of each point of the
3 triangle at the midpoint of each arrow, rounded with a short radius. The pointer or
4 arrowhead of each arrow shall be at the midpoint of each side of the triangle with a
5 short gap separating the pointer from the base of the adjacent arrow. The triangle,
6 formed by the three (3) arrows curved at their midpoints, shall depict a clockwise
7 path around the code number. The numbers and letters used shall be as follows:

8 1 = PETE (polyethylene terephthalate)

9 2 = HDPE (high density polyethylene)

10 3 = V (vinyl)

11 4 = LDPE (low density polyethylene)

12 5 = PP (polypropylene)

13 6 = PS (polystyrene)

14 7 = OTHER (represents all other resins, including layered plastics

15 of a combination of materials).

16 (3) A rigid plastic bottle or rigid plastic container constructed with a layer of resin or
17 other plastic component made of material different from that constituting the
18 primary resin may be labeled with the code for the primary resin constituting the
19 bottle or container if the manufacturer of the container or bottle provides
20 documentation satisfactory to the cabinet that the manufacturer has successfully
21 demonstrated and has received a letter from the Association of Postconsumer
22 Plastic Recyclers (APR) confirming that the bottle meets or exceeds the APR
23 Critical Guidance Document and APR General Guidance Document Bottle-to-
24 Bottle protocol. After receipt and review of satisfactory documentation, the cabinet
25 shall provide a letter of approval and designation of the resin code that may be used.

26 **(4) Beginning July 1, 2031, a retail business establishment shall not provide a retail**
27 **customer with a plastic bag intended to carry away goods at the point of sale. This**

1 provision shall not apply to produce bags or product bags obtained by the
2 customer prior to the point of sale that:

3 (a) Do not have handles; and

4 (b) Are used to enclose and prevent produce, meats, or other food products
5 from coming in contact with each other during conveyance to checkout.

6 (5) Beginning July 1, 2029, a retail business establishment that sells food or
7 beverages at retail shall not:

8 (a) Provide a customer with a plastic beverage straw, except upon the
9 customer's express request; or

10 (b) Serve food or beverages in containers made from polystyrene foam or
11 Styrofoam.

12 (6) A person shall not knowingly release or launch into the atmosphere more than
13 twenty-five (25) plastic balloons filled with a gas that is lighter than air during a
14 twenty-four (24) hour period. This subsection does not apply to:

15 (a) Balloons released indoors;

16 (b) Balloons released for scientific or meteorological purposes; or

17 (c) Hot air balloons that are recovered after launching.

18 (7) Any person or owner of a retail business establishment that violates subsection
19 (4), (5), or (6) of this section shall be subject to a civil penalty of one hundred
20 dollars (\$100) per day for the first and each subsequent offense.