

LEGISLATIVE INITIATIVE INFORMATION SHEET

PROPOSED NEW OR REVISED STATUTORY LANGUAGE:

Amend Virginia Code § 58.1-1745. A. to read “*Any county or city may, by duly adopted ordinance, impose a tax in the amount of five cents (\$0.05) or to ban distribution of disposable plastic bag for each disposable plastic bag provided, whether or not provided free of charge, to a consumer of tangible personal property by retailers in grocery stores, convenience stores, or drugstores. Any county or city may, by duly adopted ordinance, impose a tax five cents (\$0.05) for each single use paper bag provided, whether or not provided free of charge, to a consumer of tangible personal property by retailers in grocery stores, convenience stores, or drugstores. Any county or city may extend a ban on single use plastic bags to additional retail classes.*”

ADDITIONAL BACKGROUND INFORMATION:

Plastic bag fees and outright bans are common throughout the United States. California, Colorado, Connecticut, Delaware, Hawaii, Maine, New Jersey, New York, Oregon, Rhode Island, Vermont and Washington and the territories of American Samoa, Guam, Northern Mariana Islands, United States Virgin Islands and Puerto Rico have banned disposable plastic bags. Over 200 counties and municipalities have enacted ordinances either imposing a fee on plastic bags or banning them outright, including all counties in Hawaii.ⁱ Regulating single use plastic bags, either by means of fees or bans substantially cuts down on plastic bag litter, compared with areas without policies.ⁱⁱ Even when bags are disposed of properly, they take many years to decompose and break down, generating large amounts of garbage over long periods of time. Improperly discarded bags have polluted waterways, clogged sewers and been found in oceans, affecting the ecosystem of marine creatures.ⁱⁱⁱ

Studies have found that poorly designed or loophole-ridden bans on single-use plastic bags are less effective than well-designed bans.^{iv} In some cases, they may make some problems associated with plastic bag use worse. Grocery stores, restaurants and retail shops should not be permitted to distribute plastic film bags of any thickness at checkout. Stores should be required to charge a fee equivalent to that for single use plastic bags for single-use paper bags. Local and state governments should conduct regular enforcement to ensure compliance. State and local governments should provide education and assistance to smooth the transition away from single-use plastic bags, including by giving away durable, genuinely reusable bags. Such actions also provide opportunities to answer questions about new policies and explain why they're important.^v

RELATED FEDERAL OR STATE STATUTES OR REGULATIONS, OR ANY PERTINENT COURT DECISIONS OR LEGAL OPINIONS:

An extensive list of state and local statutes and regulations for taxing or banning single use plastic bags may be found on Wikipedia.^{vi}

ALIGNMENT TO ONE FAIRFAX GOALS:

ANY APPROPRIATE ANALYSES, FINANCIAL ESTIMATES, STATISTICS:

Studies cited previously, listed in the endnotes, provide research support for the effectiveness of plastic bag bans and taxes, and steps to design effective regulation and community support.

PROS/CONS OF THE ISSUE:

Studies show that plastic bag bans can shift people away from using thin plastic bags, but it can also increase the use of unregulated single use paper bags or unregulated thicker plastic bags in areas where these are provided for free.^{vii} The success of these single use plastic bag regulations lies in consumer reception. Some consumers in the United States have expressed dissatisfaction with new bag policies. For instance, Kroger's initiative to phase out plastic bags by 2025 has faced backlash from shoppers who find the alternatives less durable and practical. These mixed responses highlight the importance of considering consumer behavior and preferences when designing and implementing plastic bag regulations.^{viii}

POSSIBLE SUPPORT OR OPPOSITION BY ORGANIZATIONS:

Possible opposition from retail outlets affected by increased taxes or bans. Support from environmental groups.

STAFF CONTACT PERSON(S):

John Morrill, Director, Office of Energy and Environmental Coordination.

ⁱ Plastic bag bans in the United States, Wikipedia, accessed July 8, 2025.

https://en.wikipedia.org/wiki/Plastic_bag_bans_in_the_United_States

ⁱⁱ Papp, Anna, and Kimberly L. Oremus. "Plastic bag bans and fees reduce harmful bag litter on shorelines." *Science* 388.6753 (2025): eadp9274. <https://www.science.org/doi/abs/10.1126/science.adp9274>

ⁱⁱⁱ Nielsen, Tobias Dan, Karl Holmberg, and Johannes Stripple. "Need a bag? A review of public policies on plastic carrier bags—Where, how and to what effect?." *Waste management* 87 (2019): 428-440.

<https://www.sciencedirect.com/science/article/abs/pii/S0956053X19300960?via%3Dihub>

^{iv} Engstrom, Jenn, and CALPIRG Education Fund. "Plastic Bag Bans Work." (2024).

<https://publicinterestnetwork.org/wp-content/uploads/2024/04/Plastic-Bag-Bans-Work-revd.pdf>

^v Engstrom, Jenn, and CALPIRG Education Fund. "Plastic Bag Bans Work." (2024).

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^{vi} Plastic bag bans in the United States

[https://en.wikipedia.org/wiki/Plastic_bag_bans_in_the_United_States#:~:text=Plastic%20bag%20ban%20for%20all%20wholesale%20and%20retail%20businesses.&text=Plastic%20bag%20ban%20for%20large,listed%20below\)%20supersede%20this%20legislation.](https://en.wikipedia.org/wiki/Plastic_bag_bans_in_the_United_States#:~:text=Plastic%20bag%20ban%20for%20all%20wholesale%20and%20retail%20businesses.&text=Plastic%20bag%20ban%20for%20large,listed%20below)%20supersede%20this%20legislation.)

^{vii} Homonoff, Tatiana, et al. "Skipping the bag: the intended and unintended consequences of disposable bag regulation." *Journal of Policy Analysis and Management* 41.1 (2022): 226-251.

<https://onlinelibrary.wiley.com/doi/am-pdf/10.1002/pam.22325>

^{viii} Plastic bag bans, Wikipedia. Accessed July 8, 2025. https://en.wikipedia.org/wiki/Plastic_bag_ban