

Senate Bill 49

By: Senators James of the 35th, Orrock of the 36th, Lucas of the 26th, Esteves of the 6th,
Merritt of the 9th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste
2 management, so as to prohibit the distribution of certain bags made of plastic film and items
3 made of polystyrene foam by certain retail establishments; to provide for exceptions; to
4 provide for a definition; to provide for related matters; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste
9 management, is amended by adding a new article to read as follows:

10 "ARTICLE 10

11 12-8-220.

12 As used in this article, the term 'exempt item' means:

13 (1) A bag distributed at the point of sale to:

14 (A) Contain or wrap uncooked meat, fish, or poultry;

- 15 (B) Package bulk items such as fruits, vegetables, grains, or candy;
16 (C) Contain food sliced or prepared to order;
17 (D) Contain a newspaper for delivery to a subscriber;
18 (E) Collect trash; or
19 (F) Store food in refrigeration;
20 (2) A garment bag;
21 (3) A bag prepackaged for sale to a customer;
22 (4) A bag provided for the carryout or delivery of prepared food;
23 (5) A bag provided by a pharmacy to carry prescription drugs;
24 (6) A bag provided for the disposal of diapers;
25 (7) A bag provided for the disposal of animal waste; or
26 (8) Extruded polystyrene foam that is:
27 (A) Provided for medicines or other medical purposes; or
28 (B) Used for building or construction purposes.

29 12-8-221.

30 On and after January 1, 2026, except for exempt items, no persons who are engaged as
31 dealers in the sale at retail and who are subject to the collection of sales and use taxes under
32 Part 2 of Article 1 of Chapter 8 of Title 48 shall distribute any bag made of plastic film or
33 item made of extruded polystyrene foam.

34 12-8-222.

35 Any person who violates any provision of this article shall be guilty of a misdemeanor.
36 Each distribution of a bag made of plastic film or item made of extruded polystyrene foam
37 that is in violation of this article shall be a separate offense."

38

SECTION 2.

39 All laws and parts of laws in conflict with this Act are repealed.