**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 77 TO TITLE 39 SO AS TO PROHIBIT A STORE IN THIS STATE FROM PROVIDING A SINGLE USE PLASTIC BAG TO A CUSTOMER.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 39 of the 1976 Code is amended by adding:

“CHAPTER 77

Single Use Plastic Bags

Section 39‑77‑10. As used in this chapter:

(1) ‘Produce bag’ or ‘product bag’ means a bag without handles used exclusively to carry produce, meats, other food items, or merchandise to the point of sale inside a store or to prevent the items from coming into direct contact with each other.

(2) ‘Single use plastic bag’ means a bag made of plastic or similar material that is not recyclable and is provided at the checkout stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment. The term does not include product bags, produce bags, or bags provided by pharmacists to transport prescription drugs.

(3) ‘Store’ means a retail establishment located in this State that is a:

(a) full‑line, self‑service market located in a permanent building that operates year round that sells a line of staple foods, meats, produce, household supplies, dairy products, or other perishable items at retail;

(b) drug store, pharmacy, supermarket, grocery store, convenience food store, food mart, or other entity engaged in the retail sale of a limited line of goods that include milk, bread, soda, and snack food; or

(c) store engaged in the retail sale of household supplies, hardware, plumbing supplies, electrical supplies, and miscellaneous merchandise or other items customarily placed in single‑use carryout bags.

The term ‘store’ does not include businesses where the sale of prepared food is the essential part of the business or where the sale of food is an incidental part of the business. Food sales are considered incidental if the sales compromise no more than two percent of the business’s gross sales as measured by the dollar value of food sales as a percentage of the dollar value of total sales at a single location.

Section 39‑77‑20. No store in this State may provide a customer with a single use plastic bag.”

SECTION 2. This act takes effect upon approval by the Governor.

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