



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

PLASTIC BAG REDUCTION ACT

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For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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CHAPTER P-9.2

PLASTIC BAG REDUCTION ACT

1. Definitions

In this Act,

- (a) “**checkout bag**” means
 - (i) any bag intended to be used by a customer for the purpose of transporting items purchased or received by the customer from the business providing the bag, and
 - (ii) a bag used to package take-out food or food to be delivered, and includes a paper bag, plastic bag and reusable bag;
- (b) “**business**” means a business incorporated under the *Business Corporations Act* R.S.P.E.I. 1988, Cap. B-6.01, the *Companies Act* R.S.P.E.I. 1988, Cap. C-14, or required to be registered under the *Extra-provincial Corporations Registration Act* R.S.P.E.I. 1988, Cap. E-14, and includes a sole proprietorship, a partnership or a co-operative association engaged in a retail operation and, for the purposes of section 4, a person employed by, or operating on behalf of, a business;
- (c) “**paper bag**” means a bag made out of paper that is recyclable;
- (d) “**plastic bag**” means any bag made with plastic, including biodegradable plastic or compostable plastic, but does not include a reusable bag;
- (d.1) “**pre-packaged**”, in relation to foods or bakery goods, means foods or bakery goods that are completely enclosed by wrapping or a container;
- (e) “**reusable bag**” means a bag with handles that is
 - (i) intended to be used for transporting items purchased or received by the customer from a business,
 - (ii) designed and manufactured to be capable of at least 100 uses, and
 - (iii) primarily made of cloth or other washable fabric;
- (f) repealed by 2022,c.84,s.1. 2018,c.38,s.1; 2019,c.29,s.1; 2019,c.27,s.24(2); 2022,c.84,s.1.

2. Purpose

The purpose of this Act is to reduce the use by businesses of single-use checkout bags, to reduce waste and environmental damage and to promote responsible and sustainable business practices in Prince Edward Island. 2018,c.38,s.2.

3. Minister responsible

- (1) The Minister of Environment, Energy and Climate Action is the Minister responsible for the administration of this Act.

Appointment of inspector

- (2) The Minister may appoint a person in accordance with the regulations as an inspector for the purposes of this Act. *2018,c.38,s.3; 2019,c.1,s.3; 2021,c.8,s.3.*

4. Checkout bag prohibition

- (1) Except as provided in this Act, no business shall provide a checkout bag to a customer.

Exception

- (2) A business may provide a checkout bag to a customer only if
- (a) the customer is first asked whether, and confirms that, the customer needs a bag;
 - (b) the bag provided is a paper bag or a reusable bag; and
 - (c) the customer is charged a fee of not less than \$1 for a reusable bag.

Prohibition

- (3) For greater certainty, no business shall
- (a) sell or provide to a customer a plastic bag; or
 - (b) provide a checkout bag, other than a paper bag, to a customer free of charge.

Idem

- (4) No business shall deny or discourage the use by a customer of the customer's own reusable bag for the purpose of transporting items purchased or received by the customer from the business. *2018,c.38,s.4; 2022,c.84,s.2.*

5. Exemptions

- (1) Section 4 does not apply to
- (a) repealed by *2022,c.84,s.3*;
 - (b) bags used to
 - (i) package loose bulk items such as fruit, vegetables, nuts, grains or candy,
 - (ii) package loose small hardware items such as nails and bolts,
 - (iii) contain or wrap frozen foods, meat, poultry or seafood, whether pre-packaged or not,
 - (iv) wrap flowers or potted plants,
 - (v) protect prepared foods that are ready for immediate consumption or bakery goods that are not pre-packaged,
 - (vi) contain prescription drugs received from a pharmacy,
 - (vii) transport live fish,
 - (viii) protect linens, bedding or other similar large items that cannot easily fit in a reusable bag,
 - (ix) protect newspapers or other printed material intended to be left at the customer's residence or place of business,
 - (x) protect clothes after professional laundering or dry cleaning,

- (xi) package medical supplies and items used in the provision of health services that are supplied by a member as defined in the *Pharmacy Act* R.S.P.E.I. 1988, Cap. P-6.1; or
- (xii) protect tires that cannot easily fit in a reusable bag;
- (b.1) transparent plastic bags used to package foods containing liquids that may reasonably be expected to leak during transport;
- (c) a bag of a type or material or that is to be used for a purpose specified in the regulations.

Non-application

- (2) Section 4 does not limit or restrict the sale of bags, including transparent plastic bags, intended for use at the customer's home or business, that are sold in packages of multiple bags.

Limited exception

- (3) Notwithstanding clauses 4(2)(c) and 4(3)(b), a business may provide a checkout bag free of charge if
 - (a) the business meets the other requirements of section 4(2);
 - (b) the bag has already been used by a customer; and
 - (c) the bag is suitable for, and has been returned to the business for, the purpose of being re-used by other customers.

Not retroactive

- (4) Repealed Jan. 1/20. *2018,c.38,s.5; 2019,c.29,s.2; 2022,c.84,s.3.*

6. Offence

- (1) A person who
 - (a) contravenes a provision of this Act;
 - (b) consents to, allows, or permits an act or thing to be done contrary to this Act; or
 - (c) neglects or refrains from doing anything required to be done by a provision of this Act,is guilty of an offence and liable on summary conviction to a fine
 - (d) in the case of a corporation, of not less than \$100 and not more than \$10,000; and
 - (e) in the case of an individual, of not less than \$50 and not more than \$500.

Multiple and continuing contraventions

- (2) Each occurrence of a contravention of a provision of this Act, and each day or part of a day on which a contravention continues, constitutes a separate offence. *2018,c.38,s.6.*

7. Regulations

The Lieutenant Governor in Council may make regulations

- (a) specifying types of bags, material from which bags are made or the purpose for which a bag may be used for the purpose of clause 5(1)(c);
- (b) respecting the appointment and powers of inspectors; and
- (c) respecting any other matter necessary or advisable to carry out the intent and purposes of this Act. *2018,c.38,s.1.*

8. Repeal

Subsection 5(4) of this Act is repealed. *2018,c.38,s.8; 2019,c.29,s.3.*

9. Commencement

(1) Subject to subsection (2), this Act comes into force on July 1, 2019.

(2) Sections 6 and 8 of this Act come into force on January 1, 2020.