

**10 GCA HEALTH AND SAFETY
CH. 54B CHOOSE TO REUSE:
MUNNGA MA AYEK I PLASTEK ACT OF 2018**

**CHAPTER 54B
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SOURCE: Entire Chapter added by P.L. 34-110:2 (June 5, 2018), effective January 1, 2019 pursuant to P.L. 34-110:3.

2018 NOTE: Section numbers altered pursuant to authority granted by 1 GCA § 1606 to adhere to the Compiler's alpha-numeric codification scheme.

- § 54B101. Short Title.
- § 54B102. Definitions.
- § 54B103. Requirements for Disposable Carryout Bags at Retail or Wholesale Establishments.
- § 54B104. Enforcement and Penalties.
- § 54B105. Prohibition on the Distribution and Use of Disposable Plastic Bags.

§ 54B101. Short Title.

This Chapter shall be known as the “Choose to Reuse: *Mungnga Ma Ayek I Plastek Act of 2018.*”

§ 54B102. Definitions.

For the purposes of this Chapter:

(a) *Agency* means the Guam Environmental Protection Agency;

(b) *disposable carryout bag* means any bag that is provided to a consumer by a retail or wholesale establishment at the point of sale to carry purchases. A disposable carryout bag shall not include any of the following:

(1) a bag provided to the consumer for use in a retail or wholesale establishment to package bulk items, such as fruits, vegetables, nuts, grains, candy, meats, poultry, or fish;

(2) a bag provided to the consumer for use in a retail or wholesale establishment to package small hardware items;

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(3) a bag to contain or wrap flowers, potted plants, or other items where dampness may be a problem;

(4) a bag to contain non-prepackaged food items or bakery goods;

(5) a bag provided by a pharmacy to carry prescription drugs;

(6) a bag used for newspapers;

(7) a bag used for laundry dry-cleaning;

(8) bags sold in packages containing multiple bags intended for garbage, pet waste, or yard waste;

(9) a bag used to package and secure fragile merchandise;

(10) a bag used to help insulate frozen items; or

(11) a reusable carryout bag as defined by this Chapter;

(c) *reusable carryout bag* means a bag specifically designed and manufactured for multiple reuse, and is made of cloth, fiber, or other machine washable fabric;

(d) *retail establishment* means any entity that engages in the business of selling tangible property to others for consumption or use by the purchaser, and not for resale;

(e) *wholesale establishment* means any entity that engages in the business of selling tangible property for the purpose of resale.

§ 54B103. Requirements for Disposable Carryout Bags at Retail or Wholesale Establishments.

Retail or wholesale establishments may offer for sale or distribute reusable carryout bags to consumers. Retail or wholesale establishments shall not offer for sale or distribute disposable carryout bags.

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(a) Temporary Allowance for Disposable Carryout Bags Made of Paper. For the purposes of this Section, disposable carryout bags shall not include bags made of paper.

(b) Subsection (a) of this Section shall remain in effect until July 1, 2025, unless such business is an eating and drinking establishment, as defined in 26 GAR § 4404(f), with a valid sanitary permit issued by the Division of Environmental Health of the Department of Public Health and Social Services.

SOURCE: Added by P.L. 34-110:2 (June 5, 2018), effective January 1, 2019 pursuant to P.L. 34-110:3. Amended by P.L. 35-130:1 (Dec. 29, 2020), effective December 31, 2021 pursuant to P.L. 35-130:3 (Dec. 29, 2020). Subsection (b) amended by P.L. 36-098:1 (May 13, 2022).

§ 54B104. Enforcement and Penalties.

(a) The Agency shall be responsible for the enforcement of the provisions of this Chapter.

(b) Any entity violating the provisions of this Chapter shall be subject to a civil penalty

(1) not to exceed Five Hundred Dollars (\$500) for the first offense;

(2) an amount not to exceed One Thousand Dollars (\$1,000) for the second offense; and

(3) an amount not to exceed Ten Thousand Dollars (\$10,000) for any offense thereafter during a one (1)-year period.

(c) No more than one (1) penalty shall be imposed upon any entity within a seven (7)-day period.

(d) Any entity who was provided with a notice of violation and imposed a civil penalty under this Chapter may appeal this decision and request a hearing from the Agency pursuant to the Agency's procedures.

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(e) Fees collected under this Section shall be deposited into the Recycling Revolving Fund to be used for the enforcement of this Chapter.

(f) The Administrator of the Agency, in coordination with the Chief Technology Officer of the Office of Technology, shall establish and promote an email address or other tool for digital reporting that consumers and businesses may utilize to report violations, or to ask questions regarding the implementation of this Chapter, with a prompt response from the Agency.

2018 NOTE: Subsection/subitem designations added pursuant to authority by 1 GCA § 1606.

§ 54B105. Prohibition on the Distribution and Use of Disposable Plastic Bags.

(a) Beginning on January 1, 2021, no retail establishment, wholesale establishment, or any other entity licensed under Chapter 70 of Title 11, Guam Code Annotated, to do business shall purchase or sell or distribute to consumers any disposable carryout plastic bag, except disposable carryout bags listed in § 54B102(b)(1) through (11) of this Chapter, within Guam.

(b) Any entity found in violation of this Section shall be subject to a civil penalty pursuant to §54B104 of this Chapter.

(c) All fees collected pursuant to this Chapter shall be deposited in the Solid Waste Management Fund.

SOURCE: Added by P.L. 34-110:2 (June 5, 2018), effective January 1, 2019 pursuant to P.L. 34-110:3. Amended by P.L. 35-030:1 (Dec. 29, 2020), effective December 31, 2021 pursuant to P.L. 35-130:3 (Dec. 29, 2020).

2018 NOTE: Subsection/subitem designations added pursuant to authority by 1 GCA § 1606.
