

Checkout Bag Regulation Bylaw: FAQs for Businesses



Here are some answers to questions that you may have about the Town of View Royal's Checkout Bag Regulation Bylaw No. 1087, 2022:

1. What businesses are covered by the Checkout Bag Regulation Bylaw?

All businesses regulated under the Town's Business License and Regulation Bylaw are covered by the Bylaw, including retail stores, grocery stores, and restaurants. The provisions in the Checkout Bag Regulation Bylaw will only apply to those businesses that provide checkout bags to customers. The Bylaw's effective date (start date) is April 22, 2022.

2. What are some examples of reusable checkout bags?

There are many types of reusable checkout bags including:

- Cotton or recycled cotton
- Other natural fabrics (e.g., hemp, jute)
- Synthetic fabrics like nylon, polyester, and polypropylene (non-woven and woven polypropylene)

The Bylaw defines reusable checkout bags as being able to be used at least 100 times, being made primarily of cloth or other washable fabric, and as having handles. The ideal reusable bag is made from sustainable materials, is durable, and is easily recycled or repurposed.

3. Are there requirements for paper bags?

Yes. According to the Bylaw's definition, a paper bag must be made from paper and contain at least 40% of post-consumer recycled paper content. Paper bags must also display the words "Recyclable" and "made from 40% post-consumer recycled content" (or other applicable amount) on the outside of the bag.

These requirements do not apply to paper bags that are smaller than 15 centimetres by 20 centimetres as measured when flat.

4. Are businesses required to charge a fee for all paper bags?

No. Paper bags that are less than 15 cm x 20 cm (measured when flat) do not require a charge.

5. Are biodegradable bags allowed?

No. Biodegradable bags contaminate existing recycling streams and don't adequately decompose in a landfill. In the Bylaw, biodegradable plastic and compostable plastic bags are both defined as plastic bags.

6. Can a business give paper or reusable bags away as gifts or for promotions?

No. In accordance with the Bylaw, bags cannot be given away for free. Businesses should also ensure that the costs of the bags are included on the bill.

7. Can businesses have a used checkout bag drop program and offer these used bags to customers? Would fees apply? Can incentives be offered to encourage customers to return bags for reuse?

A business can give a used checkout bag to a customer if the bag meets the requirements of the Bylaw for paper or reusable bags. Used plastic bags cannot be provided. Fees do not have to be charged for used bags.

This means that businesses can develop programs to take back surplus bags and offer these used bags to customers for no charge. Businesses can offer prizes for people who donate used bags or provide a credit to customers when they return a bag. Creative solutions like these that support the reuse of bags are encouraged.

8. Are there alternative strategies to using paper bags for protecting multiple breakable items (such as wine bottles) packed together in a reusable bag? Would the charge for paper bags have to be applied in this scenario?

In accordance with the Bylaw, unless the paper bag measures less than 15cm X 20 cm when flat, the fee for paper bags must be charged, even if the paper bags are used to protect breakable items inside a reusable bag. Businesses are encouraged to explore options for reusable bags or inserts that are designed to package breakable items, and to share their findings with other members of the business community.

9. Do businesses need to charge tax on the fees for reusable and paper bags? Can the required fees be inclusive of taxes?

The Bylaw requires that businesses charge a minimum fee for paper or reusable bags and the minimum fees can be inclusive of taxes. The Town of View Royal does not provide guidance on sales tax, however businesses can contact the provincial government on this topic as follows:

BC Taxpayer Services 1-877-388-4440
CTBTaxQuestions@gov.bc.ca

For questions about the GST, please refer to:

Government of Canada 1-800-959-5525
Business inquiries related to GST: <https://www.canada.ca/en/revenue-agency/services/tax/businesses/topics/gst-hst-businesses.html>

10. What happens if a customer asks for a bag after the sales transaction is completed? Does a fee still need to be charged for the bag?

Yes, the fee must still be charged to meet the terms of the Bylaw.

11. Can businesses use up their existing checkout bag stock that does not meet the Bylaw requirements past the April 22, 2022 Bylaw effective date?

No. The Bylaw is set to take effect on April 22, 2022, and after this date, businesses are prohibited from providing plastic checkout bags.

12. Will businesses be permitted to sell plastic bags sold in packages?

Yes. The Bylaw permits the sale of bags sold in packages of multiple bags that are intended for use at the customer's home or in their business (garbage or compost bin liners, sandwich bags, dog waste bags, etc.).

13. Are there permitted uses under the Bylaw for paper and plastic bags?

The Bylaw does not apply to small paper bags (those that are smaller than 15 cm x 20 cm) or bags used to:

- package loose bulk items such as fruit, vegetables, nuts, grains, or candy;
- package loose small hardware items such as nails and bolts;
- contain or wrap frozen foods, meat, poultry, or seafood, whether pre-packaged or not;
- wrap flowers or potted plants;
- protect prepared foods or bakery goods that are not pre-packaged;
- contain prescription drugs received from a pharmacy;
- transport live fish;
- protect linens, bedding, or other similar large items that cannot easily fit in a reusable bag;
- protect newspapers or other printed material intended to be left at the customer's residence or place of business; or
- protect clothes after professional laundering or dry cleaning.

Fees do not have to be charged for bags used for these purposes.

14. What type of bag can businesses use for large items that cannot easily fit in a standard reusable bag?

As noted in FAQ #13 above, there are some exemptions in the Bylaw and for items like linens, bedding or other similar large items that cannot easily fit in a reusable bag, a business may provide any type of checkout bag to transport them.

15. How did the Town determine the fees for bags?

The Town adopted the fees piloted by the City of Victoria. The City set fees to reflect the actual cost of producing a paper bag and reusable bag.

16. Who gets to keep the funds collected?

The fee will be charged and collected by individual businesses. These fees will help businesses recover the cost of bags, while also decreasing demand for single-use checkout bags.

17. How will the Bylaw be enforced?

The Town's bylaws are typically enforced on a complaint basis and compliance is always the first goal. Through a measured approach of verbal and then written warnings, the Town may seek compliance eventually through ticketing. As with many bylaws, the Checkout Bag Regulation Bylaw has provisions associated with it for enforcement through ticketing (found in the Municipal Ticket Information Bylaw No. 643, 2007). Tickets for each offence are \$75 if paid within 30 days of ticket issuance or \$100 if paid after the 30 days. If there is repeated or extreme non-compliance, the Bylaw has provisions that see enforcement through the courts and a higher fine amount of up to \$10,000. However, Council's desire is to see voluntary compliance instead of ticketing with this environment-first initiative. Through education and guidance, together it is possible to reduce the number of single use bags dramatically in the community.

18. How can businesses communicate any of this information to customers?

On the Town's website, businesses will find printable material – poster and till toppers – that can be displayed in the place of business to help customers with the transition.

Many customers will already be used to bringing their own reusable bags to a business as the Town of View Royal is not the first municipality in the region to bring a Checkout Bag Regulation Bylaw into existence and, even before bylaws were considered, many people were becoming more aware of the importance of shifting away from single use bags to reusable bags.

For questions or more information:

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