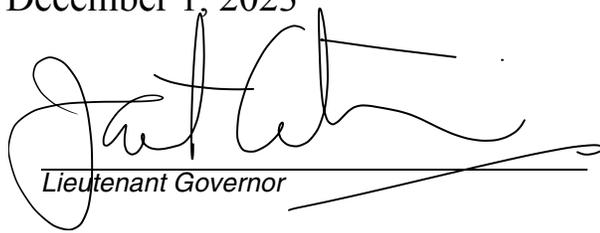


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 642

, Approved and Ordered December 1, 2023



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders as follows:

- (a) effective December 20, 2023, the Single-Use and Plastic Waste Prevention Regulation, B.C. Reg. 186/23, is repealed;
- (b) effective December 20, 2023, the attached Single-Use and Plastic Waste Prevention Regulation is made and comes into force as follows:
 - (i) Parts 1 and 4, except section 11, are brought into force on December 20, 2023;
 - (ii) Parts 2 and 3 and section 11 are brought into force on July 15, 2024.



Minister of Environment and Climate Change Strategy



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Environmental Management Act*, S.B.C. 2003, c. 53, ss. 21 and 138

Other: OIC 461/2023, *Environmental Management Act*, S.B.C. 2003, c. 53, s. 11

R10737716

SINGLE-USE AND PLASTIC WASTE PREVENTION REGULATION

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PART 1 – INTERPRETATION

Definitions

- 1 In this regulation:
 - “**biodegradable plastic**” means any type of plastic that is, or is held out to be, biodegradable;
 - “**business operator**” means a person who, in the ordinary course of business, sells a commodity or product, whether by wholesale or retail;
 - “**compostable plastic**” means any type of plastic that is, or is held out to be, compostable;
 - “**customer**” includes a person to whom a commodity or product is distributed for free;
 - “**plastic**” includes any type of compostable plastic and any type of biodegradable plastic;
 - “**sell**” includes offer for sale;
 - “**single-use**”, when used in reference to an item, means the item is ordinarily disposed of after a single use or short-term use, whether or not it could be reused.

PART 2 – OXO-DEGRADABLE PLASTIC PACKAGING AND PRODUCTS

Definition for Part 2

- 2 In this Part, “**oxo-degradable plastic**” means a plastic that contains an additive that, through oxidation, leads to chemical decomposition or to the fragmentation of the plastic material into microfragments.

Prohibition on packaging and single-use products composed of oxo-degradable plastic

- 3 (1) A business operator must not distribute or sell packaging, or a single-use product, that is wholly or partly composed of oxo-degradable plastic.
- (2) The prohibition in subsection (1) does not apply to any of the following:
- (a) a device as defined in the *Pharmaceutical Services Act*;
 - (b) packaging or a single-use product intended for sale or distribution to a person outside British Columbia.

PART 3 – SHOPPING BAGS

Definitions for Part 3

- 4 In this Part:
- “**food service provider**” means a person who, in the ordinary course of business, prepares and serves food or beverages to individuals;
- “**prepare**”, when used in relation to food or beverages, means cook, slice, chop, mix, brew, squeeze or otherwise make ready to eat or drink;
- “**product**” includes prepared food or beverages that are purchased for takeout or delivery;
- “**recycled paper bag**” means a paper bag
- (a) that is composed of at least 40% recycled paper content, and
 - (b) on the outside of which is printed a reference to the applicable percentage of recycled content and the word “recyclable”;
- “**reusable bag**” means a bag that is manufactured to be used and machine-washed at least 100 times;
- “**shopping bag**” means a bag that is distributed or sold for the purpose described in section 5;
- “**used bag**” means a bag that has been previously used and is being reused.

General prohibition on shopping bags

- 5 Except as authorized under this Part, a business operator must not distribute or sell a bag for the purpose of facilitating the transport of a commodity or product, that is distributed or sold by the business operator, from the business operator’s place of business.

Shopping bags sold for a charge

- 6** (1) A business operator may sell a shopping bag if
- (a) the shopping bag is a recycled paper bag or reusable bag, and
 - (b) the customer purchasing the shopping bag pays a charge for the bag, as follows:
 - (i) at least \$0.25 for each recycled paper bag;
 - (ii) at least \$2.00 for each reusable bag.
- (2) A shopping bag may not be sold under subsection (1) unless
- (a) the customer is offered, orally or in writing, an opportunity to use the customer's own bag,
 - (b) the customer chooses to purchase a shopping bag, and
 - (c) before the sale, the customer is informed of the amount of the charge for the shopping bag.
- (3) The business operator must include, as a separate line item, on any receipt given to the customer, the amount charged under subsection (1).

Shopping bags distributed free of charge

- 7** A business operator may distribute a shopping bag without imposing a charge for the bag if any of the following apply:
- (a) the bag is a used bag;
 - (b) the bag is a paper bag that is less than 15 cm by 20 cm when flat;
 - (c) the bag is a recycled paper bag and is distributed to facilitate the transport of any of the following:
 - (i) a drug specified in Schedule I, IA, II or III of the Drug Schedules Regulation;
 - (ii) a device as defined in the *Pharmaceutical Services Act*;
 - (d) the business operator is a food service provider, and the bag is a recycled paper bag that is distributed for any of the following purposes:
 - (i) to facilitate the transport of food or beverages that are
 - (A) prepared by the business operator, and
 - (B) purchased for delivery;
 - (ii) to contain prepared food or beverages served to a customer through a window at a drive-through restaurant;
 - (e) the bag
 - (i) is a recycled paper bag, reusable bag or used bag, and
 - (ii) contains food, beverages or personal hygiene products that are to be provided directly or indirectly to an individual for free or at reduced cost by a society or by a registered charity as defined in section 248 (1) of the *Income Tax Act* (Canada).

Requirement to keep records – shopping bags

- 8 (1) In this section, “**large business operator**” means a business operator that employs 500 or more employees in British Columbia.
- (2) In determining the number of employees for the purpose of subsection (1), if the business operator is operating under a franchise agreement, the business operator, the franchisor and the other parties with whom the franchisor has a franchise agreement in relation to the same product are deemed to be a single business operator.
- (3) A large business operator must keep, and make available for inspection under subsection (4), records of the following:
- (a) the average number of recycled paper bags sold by the large business operator per sale transaction in each of the previous 2 calendar years;
 - (b) the average number of reusable bags sold by the large business operator per sale transaction in each of the previous 2 calendar years.
- (4) An officer may inspect records kept under subsection (3).

PART 4 – FOOD SERVICE WARE AND ACCESSORIES

Definitions for Part 4

- 9 In this Part:

“**care facility**” means any of the following:

- (a) an assisted living residence as defined in section 1 of the *Community Care and Assisted Living Act*;
- (b) a community care facility as defined in section 1 of the *Community Care and Assisted Living Act*;
- (c) a hospital as defined in section 1 of the *Hospital Act*;
- (d) a private hospital as defined in section 4.1 of the *Hospital Act*;
- (e) a Provincial mental health facility as defined in section 1 of the *Mental Health Act*;

“**class A prohibited material**” means any of the following materials:

- (a) biodegradable plastic;
- (b) compostable plastic;
- (c) polystyrene foam;
- (d) polyvinyl chloride;
- (e) polyvinylidene chloride;

“**class B prohibited material**” means any of the following materials:

- (a) biodegradable plastic;
- (b) polystyrene foam;
- (c) polyvinyl chloride;
- (d) polyvinylidene chloride;

“correctional facility” means a lawful place of confinement, including, without limitation, a jail, prison, lockup, place of imprisonment, camp or correctional institution, and any land connected with it;

“delivery order” means an order for food or beverages, for delivery;

“fish” means fish as defined in section 1 of the *Fish and Seafood Act*;

“food delivery platform operator” means a person who provides ordering services to more than one food service provider through an online platform;

“food service accessory” means any of the following products:

- (a) a beverage cup lid;
- (b) a beverage cup sleeve;
- (c) a condiment;
- (d) a drinking straw;
- (e) a garnish;
- (f) a napkin;
- (g) a utensil;
- (h) a wet wipe;

“food service provider” means a person

- (a) who, in the ordinary course of business, prepares and serves food or beverages to individuals, or
- (b) in the case of a person who is not a business operator, whose activities ordinarily include preparing and serving food or beverages to individuals who are not members of the person’s household;

“food service ware” means any of the following types of container or packaging:

- (a) a bowl;
- (b) a box or carton, including an egg carton;
- (c) a cup;
- (d) a hinged or lidded container;
- (e) a plate;
- (f) a platter;
- (g) a tray;
- (h) film wrap;

“ordering services” means services provided to a food service provider in relation to a customer’s delivery order that include facilitating the placement of the delivery order by the customer;

“prepare”, when used in relation to food or beverages, means

- (a) cook, slice, chop, mix, brew, squeeze or otherwise make ready to eat or drink, or
- (b) remove from a container or packaging and place or repackage in a different container or different packaging;

“splash plug” means any type of plug manufactured to prevent a beverage from spilling from the lid of its container;

“utensil” includes a spoon, fork, knife, chopstick, stir stick and splash plug.

Application

- 10** The prohibitions in sections 12, 13 and 14 do not apply to food service accessories sold by a food service provider in quantities of 20 or more.

Restriction on food service ware composed of prohibited material

- 11**
- (1) A food service provider must not distribute or sell food or beverages if the food or beverages are
 - (a) prepared by the food service provider for takeout, delivery or immediate consumption, and
 - (b) contained or packaged in food service ware that is wholly or partly composed of a class A prohibited material.
 - (2) The prohibition in subsection (1) does not apply to any of the following:
 - (a) food service ware that is wholly composed of paper or a plant fibre material and lined with compostable plastic;
 - (b) food or beverages intended for sale or distribution to a person outside British Columbia;
 - (c) film wrap that is wholly composed of polyvinyl chloride.
 - (3) A business operator must not distribute or sell food or beverages that are contained or packaged in food service ware that is wholly or partly composed of a class B prohibited material.
 - (4) The prohibition in subsection (3) does not apply to any of the following:
 - (a) food or beverages intended for sale or distribution to a person outside British Columbia;
 - (b) film wrap that is wholly composed of polyvinyl chloride;
 - (c) a tray that is wholly composed of polystyrene foam and used to contain any of the following types of food, whether fresh or frozen:
 - (i) raw meat;
 - (ii) raw poultry;
 - (iii) raw fish in a state not ready to be eaten.
 - (5) A business operator must not distribute or sell food service ware that is wholly or partly composed of a class B prohibited material.
 - (6) The prohibition in subsection (5) does not apply to any of the following:
 - (a) food service ware intended for sale or distribution to a person outside British Columbia;
 - (b) food service ware sold or distributed to a business operator for the purpose of containing or packaging food or beverages intended for sale to a person outside British Columbia;
 - (c) film wrap that is wholly composed of polyvinyl chloride;

- (d) a tray that is wholly composed of polystyrene foam and sold or distributed to a business operator for the purpose of containing any of the following types of food, whether fresh or frozen:
 - (i) raw meat;
 - (ii) raw poultry;
 - (iii) raw fish in a state not ready to be eaten.
- (7) This subsection and subsections (2) (c), (4) (b) and (6) (c) are repealed on July 1, 2028.
- (8) This subsection and subsections (4) (c) and (6) (d) are repealed on July 1, 2030.
- (9) For certainty, the prohibitions in this section are in addition to the prohibition in section 3.

Restriction on single-use food service accessories

- 12** (1) A food service provider must not distribute or sell a single-use food service accessory.
- (2) The prohibition in subsection (1) does not apply in the following circumstances:
- (a) a customer requests, or accepts an offer of, the food service accessory, including by making a request or accepting an offer electronically;
 - (b) the food service accessory is made available in a self-service manner;
 - (c) the food service accessory is a beverage cup lid and is distributed with a beverage that is
 - (i) purchased for delivery, or
 - (ii) served through a window to a customer at a drive-through restaurant;
 - (d) the food service accessory is distributed or sold at a care facility for use by a person admitted to or receiving assistance, care, supervision, treatment, maintenance or rehabilitation at the care facility;
 - (e) the food service accessory is a utensil for use by a person confined in a correctional facility and at risk of self-harm or harming another person.

Prohibition on plastic single-use utensils

- 13** (1) A food service provider must not distribute or sell a single-use utensil that is wholly or partly composed of plastic.
- (2) The prohibition in subsection (1) does not apply if the utensil is for use by a person confined in a correctional facility and at risk of self-harm or harming another person.

Prohibition on bundled single-use food service accessories

- 14** (1) A food service provider must not distribute or sell a single-use food service accessory that is bundled or pre-packaged together with one or more other single-use food service accessories.

- (2) The prohibition in subsection (1) does not apply if the food service accessory is distributed or sold at a care facility for use by an individual admitted to the care facility or receiving assistance, care, supervision, treatment, maintenance or rehabilitation at the care facility.

**Requirement to keep records – single-use
food service accessories**

- 15** (1) A food delivery platform operator must keep, and make available for inspection under subsection (2), a record of the percentage of delivery orders received by the food delivery platform operator in each of the previous 2 calendar years in relation to which a food service accessory was requested or accepted.
- (2) An officer may inspect a record kept under subsection (1).