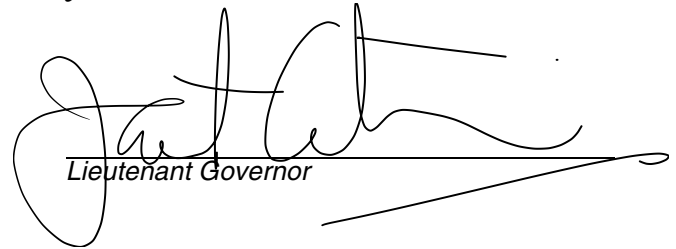


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 461

, Approved and Ordered July 14, 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 that, effective December 20, 2023, the attached Single-Use and Plastic Waste Prevention Regulation is made.



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 (1) and 138 (2)

Other: Environmental Management Act, S.B.C. 2003, c. 53, s. 11

R20687316

# 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;

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

**“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;

**“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.
- (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) 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) 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 (4) (b) and (6) (c) are repealed on July 1, 2030.
- (8) 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.

### **Prohibition on plastic single-use utensils**

- 13** A food service provider must not distribute or sell a single-use utensil that is wholly or partly composed of plastic.

### **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) In this section:
- “**delivery order**” means an order for food or beverages, for delivery;
  - “**food delivery platform operator**” means a person who provides ordering services to more than one food service provider through an online platform;
  - “**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.
- (2) A food delivery platform operator must keep, and make available for inspection under subsection (3), 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.
- (3) An officer may inspect a record kept under subsection (2).