

**Fifty-seventh Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 9, 2001**

SENATE BILL NO. 2138  
(Human Services Committee)  
(At the request of the State Department of Health)

AN ACT to amend and reenact sections 23-32-01 and 23-32-03 of the North Dakota Century Code, relating to plastic products degradation and labeling; and to repeal sections 23-32-02 and 23-32-04 of the North Dakota Century Code, relating to plastic products degradation and labeling.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 23-32-01 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**23-32-01. Definitions.** As used in ~~sections 23-32-01 through 23-32-04~~ this chapter:

1. "Degradable" means capable of being reduced to environmentally benign subunits under the action of normal environmental forces, including biodegradation, photodegradation, chemical degradation, or hydrolysis within reasonable time lines specific for waste types and waste management methods.
2. "Department" means the state department of health.
3. ~~"Label" means a molded imprint or raised symbol.~~
4. "Plastic" means any material made of polymeric organic compounds and additives that can be shaped by flow.
5. ~~4.~~ "Plastic bottle" means a plastic container that has a neck that is smaller than the body of the container, accepts a screw-type, snap cap, or other closure, and has a capacity of at least sixteen fluid ounces [453.60 grams] but less than five gallons [18.93 liters].
6. ~~"Rigid plastic container" means any formed or molded container, other than a bottle, intended for single use, composed predominately of plastic resin, and having a relatively inflexible finite shape or form with a capacity of at least eight ounces [226.80 grams] but not more than five gallons [18.93 liters].~~

**SECTION 2. AMENDMENT.** Section 23-32-03 of the North Dakota Century Code is amended and reenacted as follows:

**23-32-03. ~~Plastic bottles and containers~~ Label ~~Penalty Rules.~~**

1. ~~All plastic bottles and rigid plastic containers sold in this state after December 31, 1991, must have a label indicating the plastic resin used to produce the bottle or container. The numbers and letters used on the label must be at least one half inch [12.7 millimeters] high and must appear on the bottom of the plastic bottle or rigid plastic container. The label must consist of the following numbers, placed inside three triangulated arrows, and letters placed immediately below the three triangulated arrows depending on the plastic resin used. The triangulated arrows must be equilateral, formed by three arrows with the apex of each point of the triangle at the midpoint of each arrow, rounded with a short radius. The pointer (arrowhead) of each arrow must be at the midpoint of each side of the triangle with a short gap separating the pointer from the base of the adjacent arrow. The triangle formed by the three arrows curved at their midpoints must depict a clockwise path around the code number. The numbers and letters used must be as follows:~~
  - a. ~~1-PETE if the product used is polyethylene terephthalate.~~

- b. ~~2 HDPE if the product used is high density polyethylene.~~
  - c. ~~3 V if the product used is vinyl.~~
  - d. ~~4 LDPE if the product used is low density polyethylene.~~
  - e. ~~5 PP if the product used is polypropylene.~~
  - f. ~~6 PS if the product used is polystyrene.~~
  - g. ~~7 OTHER if the product used is multilayer.~~
  - h. ~~8 D if the product used is degradable.~~
2. ~~The department shall maintain a list of the label code contained in this section and shall provide a copy of the list to any person upon request.~~
3. ~~Any person who violates this section is guilty of an infraction.~~

The department may adopt rules consistent with national or regional standards which relate to the promotion of plastic bottle recycling and the maintenance of safe plastic bottle recycling practices in the state.

**SECTION 3. REPEAL.** Sections 23-32-02 and 23-32-04 of the North Dakota Century Code are repealed.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2138.

Senate Vote:      Yeas    46          Nays    0          Absent    3

House Vote:      Yeas    94          Nays    0          Absent    4

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2001.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2001.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2001,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State