

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 371
SENATE BILL 359

AN ACT TO REQUIRE THAT PLASTIC YOKES OR RING TYPE HOLDING
DEVICES BE DEGRADABLE.

The General Assembly of North Carolina enacts:

Section 1. Article 52 of Chapter 14 of the General Statutes is amended to add a new section to read:

"§ 14-399.2. Prohibition of nondegradable plastic yokes or ring type holding devices.

(a) As used in this section, 'Degradable' means that within one year after being discarded, the yoke or ring type holding device is capable of becoming embrittled and/or decomposing by photodegradation, biodegradation, or chemo-degradation under average seasonal conditions into components other than heavy metals or other toxic substances as prescribed by the Resource Conservation and Recovery Act of 1976, Pub. L. 94-580, 90 Stat. 2795, 42 U.S.C. § 6901 et seq., as amended.

(b) No person may sell or distribute for sale in this State any container connected to another by a yoke or ring type holding device constructed of plastic which is not degradable. The manufacturer of such yoke or ring type holding device shall use a nationally recognized symbol that shall be embossed on the yoke or ring type holding device for inspection indicating that the device is degradable. The manufacturer shall register the symbol with the State with a sample of the device.

(c) Any person who sells or distributes for sale a yoke or ring type holding device in violation of this section shall be guilty of a misdemeanor punishable by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00). In lieu of a fine or any portion thereof or in addition to a fine, any violation of this section may also be punished by a term of community service.

(d) Other than a manufacturer required to use and register a symbol under subsection (b), a person may not be prosecuted under this section if, at the time of sale or distribution for sale, the yoke or holding device bears a symbol which has been registered with the State."

Sec. 2. This act shall become effective January 1, 1990.

In the General Assembly read three times and ratified this the 21st day of June, 1989.