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THE TRADE ACT

THE TRADE (PLASTIC PACKAGING MATERIALS PROHIBITION)
ORDER, 2018

In exercise of the power conferred on the Minister by section 8(1)(a), (b) and (c) of the Trade Act, and of every other power hereunto enabling, the following Order is hereby made:—

1. This Order may be cited as the Trade (Plastic Packaging Materials Prohibition) Order, 2018.

2.—(1) In this Order—

“import” has the meaning assigned to it by the *Customs Act*;

“persons with disabilities” or, where the context requires, “person with a disability” includes any person who has a long-term physical, mental, intellectual or sensory impairment which may hinder that person’s full and effective participation in society, on an equal basis with other persons;

“single use plastic” means—

- (a) single use plastic bags;
- (b) packaging made wholly or in part of expanded polystyrene foam; or
- (c) drinking straws, made wholly or in part of polyethylene or polypropylene, manufactured for single use;

“single use plastic bag” means any bag—

- (a) made wholly or in part of polyethylene or polypropylene; and
- (b) of the applicable dimensions.

(2) For the purposes of sub-paragraph (1), with reference to single use plastic bags, the applicable dimensions are—

- (a) before the 1st day of January, 2021, dimensions not exceeding 610 mm x 610 mm (24" x 24") and 0.03 mm (1.2 mils) in thickness; and
- (b) on or after the 1st day of January, 2021, dimensions not exceeding 610 mm x 610 mm (24" x 24") and 0.06 mm (2.5 mils) thickness.

(3) For the purposes of this Order, a quantity shall be taken to be commercial if the quantity is such that it is reasonable to conclude that it is directed toward sale by wholesale or retail for the purpose of obtaining economic benefit, whether in cash or kind.

3. With effect from the 1st day of January, 2019, and subject to paragraph 4, no person shall import or distribute any single use plastic in commercial quantities.

4. Paragraph 3 shall not apply—

- (a) to single use plastics imported before the 1st January, 2019;
- (b) to single use plastics used to maintain public health and for compliance with food safety standards, including packaging used by wholesalers and retailers to distribute raw meat, eggs, flour, sugar, rice or baked goods;
- (c) to single use plastics imported or distributed by the Ministry responsible for health for use in the practice of medicine or dentistry, in veterinary practice, or in any other medical field in respect of which the Ministry responsible for health imports or distributes single use plastics;
- (d) to single use plastic bags used to package personal effects, and contained in the luggage of a person travelling into or out of Jamaica;
- (e) to drinking straws for use by persons with disabilities and imported or distributed by a recognized body representing persons with disabilities; and
- (f) until the 1st day of January, 2021, to drinking straws made wholly or in part of polyethylene or polypropylene, manufactured for single use, and attached to, or forming part of, the packaging of juice boxes or drink pouches.

5. For the avoidance of doubt, this Order applies to a single use plastic bag regardless of whether that bag is, or is labeled as, degradable, biodegradable, oxo-degradable, photo degradable or compostable.

6. A person who contravenes paragraph 3 commits an offence and is liable on summary conviction before a Judge of a Parish Court to a fine not exceeding two million dollars or to imprisonment for a term not exceeding two years.

Dated this 24th day of December, 2018.

AUDLEY SHAW, CD, MP
Minister of Industry, Commerce, Agriculture
and Fisheries.