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H.88

Introduced by Representatives Yantachka of Charlotte, McCormack of
Burlington, Sullivan of Burlington, Christensen of
Weathersfield, Dunn of Essex, and Gannon of Wilmington

Referred to Committee on

Date:

Subject: Conservation and development; taxation; solid waste; carryout bags

Statement of purpose of bill as introduced: This bill proposes to establish a
charge of \$0.10 for each disposable carryout bag used by a person for the
purpose of carrying goods, food, or other products from a retail establishment.

An act relating to the use of disposable carryout bags

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 32 V.S.A. chapter 234 is added to read:

CHAPTER 234. USE OF DISPOSABLE CARRYOUT BAGS

§ 9851. DEFINITIONS

As used in this chapter:

(1)(A) “Disposable carryout bag” means a bag composed of plastic,
paper, or other single use material provided by a retail establishment to a
consumer at the time of sale.

(B) “Disposable carryout bag” does not mean:

1 (i) a bag in which loose produce, nuts, fruits, meat, fish, flowers,
2 plants, prepared foods, baked goods, candy, small hardware items, or similar
3 items are placed by the customer to deliver such items to the point of sale area
4 of a store;

5 (ii) a bag provided by pharmacists to contain prescription drugs;

6 (iii) a bag used to deliver newspapers or drycleaning; or

7 (iv) bags sold in packages containing multiple bags and intended
8 for use for garbage, pet waste, or yard waste.

9 (2) “Retail establishment” means a place where goods, food, or other
10 products are offered to the public for sale, including supermarkets, grocery
11 stores, convenience stores, retail merchandise stores, and restaurants.

12 (3) “Reusable bag” means a bag designed and manufactured for multiple
13 reuse composed of:

14 (A) cloth or machine washable fabric; or

15 (B) durable plastic that is at least 2.25 mils thick.

16 (4) “Store” means a retail establishment that dispenses 20,000 or more
17 disposable carryout bags in a year.

18 § 9852. DISPOSABLE CARRYOUT BAG; CHARGE

19 (a) A person shall pay at the time of purchase from a store a charge of
20 \$0.10 for each disposable carryout bag used by the person for the purpose of
21 carrying goods, food, or other products from the store.

1 (b)(1) As reimbursement for processing required under this section, a store
2 shall retain \$0.02 of each \$0.10 charge collected under subsection (a) of this
3 section for a disposable carryout bag provided to a person at the time of
4 purchase.

5 (2) The amount of each charge remaining after retention of the monies
6 retained by the store for processing shall be paid to the Department of Taxes
7 monthly on or before the 25th day of the month following the month in which
8 the charge is collected.

9 (3) Until July 1, 2018, the Department of Taxes shall deposit the charges
10 collected under this section into the General Fund.

11 (4) Beginning on July 1, 2018, the Department of Taxes shall deposit
12 charges collected under this section into the Waste Management Assistance
13 Fund under 10 V.S.A. § 6618 for disbursements from the Solid Waste
14 Management Assistance Account.

15 (c) The charges collected by a store under this section shall not be
16 considered taxable income or revenue under chapter 151 of this title and shall
17 not be subject to the sales and use tax of chapter 233 of this title or the meals
18 and rooms tax of chapter 225 of this title.

19 § 9853. PENALTY

20 A person who violates a provision of this chapter shall be fined not more
21 than \$500.00 for each violation.

1 Sec. 2. 10 V.S.A. § 8003 is amended to read:

2 § 8003. APPLICABILITY

3 (a) The Secretary may take action under this chapter to enforce the
4 following statutes and rules, permits, assurances, or orders implementing the
5 following statutes, and the Board may take such action with respect to
6 subdivision (10) of this subsection:

7 * * *

8 (27) 10 V.S.A. chapter 123, relating to threatened and endangered
9 species; ~~and~~

10 (28) 30 V.S.A. § 255, relating to regional coordination to reduce
11 greenhouse gases; and

12 (29) 32 V.S.A. chapter 234, relating to the use of disposable carryout
13 bags.

14 * * *

15 Sec. 3. 10 V.S.A. § 8503 is amended to read:

16 § 8503. APPLICABILITY

17 (a) This chapter shall govern all appeals of an act or decision of the
18 Secretary, excluding enforcement actions under chapters 201 and 211 of this
19 title and rulemaking, under the following authorities and under the rules
20 adopted under those authorities:

21 (1) The following provisions of this title:

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(2) 29 V.S.A. chapter 11 (management of lakes and ponds).

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(3) 24 V.S.A. chapter 61, subchapter 10 (relating to salvage yards).

4

(4) 32 V.S.A. chapter 234 (the use of disposable carryout bags).

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Sec. 4. EFFECTIVE DATE

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This act shall take effect on July 1, 2017.