

1 S.205

2 Introduced by Senator Hartwell

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; solid waste; disposable carryout
6 plastic bags

7 Statement of purpose of bill as introduced: This bill proposes, beginning
8 July 1, 2015, to establish a fee of \$0.10 for each disposable carryout bag used
9 by a person for the purpose of carrying goods, food, or other products from a
10 retail establishment. The bill also would, beginning July 1, 2015, prohibit a
11 person from selling, distributing at wholesale, or distributing at retail a
12 disposable carryout bag made of plastic or paper unless the disposable carryout
13 bag can be recycled and meets content and label requirements.

14 An act relating to disposable plastic carryout bags

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

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

17 CHAPTER 234. USE OF DISPOSABLE CARRYOUT BAGS

18 § 9851. DEFINITIONS

19 As used in this chapter:

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

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

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

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

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

11 (iv) bags sold in packages containing multiple bags and intended
12 for use for food storage, garbage, pet waste, or yard waste.

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

16 (3) “Reusable bag” means a bag that is designed and manufactured for
17 multiple reuse and that is composed of:

18 (A) cloth, fiber, or machine-washable fabric; or

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

1 § 9852. DISPOSABLE CARRYOUT BAG; FEE

2 (a) Beginning July 1, 2015, a person shall pay at the time of purchase from
3 a retail establishment a fee of \$0.10 for each disposable carryout bag used by
4 the person for the purpose of carrying goods, food, or other products from the
5 retail establishment.

6 (b)(1) A retail establishment shall retain as a processing fee \$0.01 of each
7 \$0.10 fee collected under subsection (a) of this section for a disposable
8 carryout bag provided to a person at the time of purchase.

9 (2) The amount of each fee remaining after retention of the retail
10 establishment processing fee shall be paid to the Department of Taxes monthly
11 on or before the 25th day of the month following the month in which the fee is
12 collected.

13 (3) The Department of Taxes shall deposit fees collected under this
14 section into the Waste Management Assistance Fund for disbursements from
15 the Solid Waste Management Assistance Account.

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

1 § 9853. PENALTY

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

4 § 9854. RULEMAKING

5 The Department of Taxes may adopt rules to implement the requirements of
6 this chapter.

7 Sec. 2. 10 V.S.A. chapter 167 is added to read:

8 CHAPTER 167. DISPOSABLE CARRYOUT BAGS

9 § 7571. DEFINITIONS

10 As used in this chapter:

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

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

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

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

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

1 (iv) bags sold in packages containing multiple bags and intended
2 for use for food storage, garbage, pet waste, or yard waste.

3 (2) "Retail establishment" means a place where goods, food, or other
4 products are offered to the public for sale, including supermarkets, grocery
5 stores, convenience stores, retail merchandise stores, and restaurants.

6 § 7572. REQUIREMENTS FOR DISPOSABLE CARRYOUT BAGS

7 (a) Beginning July 1, 2015, a person shall not sell, distribute at wholesale,
8 or distribute at retail a disposable carryout bag made of plastic or paper unless
9 the disposable carryout bag can be recycled and meets the requirements of
10 subsections (b) and (c) of this section.

11 (b) A disposable carryout bag made of plastic shall:

12 (1) be 100 percent recyclable;

13 (2) be made of high-density polyethylene film marked with SPI resin
14 identification code 2 or low-density polyethylene film marked with the SPI
15 resin identification code 4; and

16 (3) display in a high visible manner on the exterior of the bag the phrase
17 "please recycle this bag" or a substantially similar phrase approved by the
18 Secretary of Natural Resources.

19 (c) A disposable carryout bag made of paper shall:

20 (1) be 100 percent recyclable;

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Sec. 5. EFFECTIVE DATE

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This act shall take effect on July 1, 2014.