

1 H.105

2 Introduced by Representatives Mrowicki of Putney, Squirrell of Underhill, and

3 Till of Jericho

4 Referred to Committee on

5 Date:

6 Subject: Conservation and development; solid waste; plastic bags

7 Statement of purpose of bill as introduced: This bill proposes to prohibit a  
8 retail establishment from providing a single-use carryout bag to a consumer at  
9 the point of sale. The bill would also establish standards for reusable bags and  
10 compostable bags provided by retail establishments at the point of sale.

11 An act relating to the use of single-use carryout bags

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

13 Sec. 1. 10 V.S.A. chapter 159, subchapter 5 is added to read:

14 Subchapter 5. Prohibition on Use of Single-Use Carryout Bags

15 § 6691. DEFINITIONS

16 As used in this subchapter:

17 (1) “Agency” means the Agency of Natural Resources.

18 (2) “Postconsumer recycled material” means a material that would  
19 otherwise be destined for solid waste disposal, having completed its intended  
20 end use and product life cycle. “Postconsumer recycled material” shall not

1 include materials and by-products generated from, and commonly reused  
2 within, an original manufacturing and fabrication process.

3 (3) “Recycled paper bag” means a paper carryout bag provided by a  
4 retail establishment to a consumer at the point of sale that meets all of the  
5 following requirements:

6 (A) contains a minimum of 40 percent postconsumer recycled  
7 materials;

8 (B) is accepted for recycling in curbside programs in a majority of  
9 households that have access to curbside recycling programs in the State; and

10 (C) has printed on the bag the name of the manufacturer, the country  
11 where the bag was manufactured, and the minimum percentage of  
12 postconsumer content.

13 (4) “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 (5) “Reusable grocery bag” means a bag that is provided by a retail  
17 establishment to a customer at the point of sale that meets the requirements of  
18 section 6693 of this title.

19 (6)(A) “Single-use carryout bag” means a bag made of plastic, paper, or  
20 other material that is provided by a retail establishment to a consumer at the

1 point of sale and that is not a recycled paper bag or a reusable grocery bag that  
2 meets the requirements of section 6693 of this title.

3 (B) A “single-use carryout bag” shall not include the following:

4 (i) a bag provided by a pharmacy to a customer purchasing a  
5 prescription medication;

6 (ii) a bag without handles used to protect a purchased item from  
7 damaging or contaminating other purchased items when placed in a recycled  
8 paper bag, a reusable grocery bag, or a compostable plastic bag;

9 (iii) a bag provided to contain an unwrapped food item; or

10 (iv) a bag without handles that is designed to be placed over  
11 articles of clothing on a hanger.

12 § 6692. PROHIBITION OF SINGLE-USE CARRYOUT BAG

13 (a) Except as provided in subsection (b) of this section, on and after July 1,  
14 2018, a retail establishment shall not provide a single-use carryout bag to a  
15 consumer at the point of sale.

16 (b) On and after July 1, 2018, a retail establishment may provide a  
17 compostable single-use carryout bag at the point of sale, if:

18 (1) the compostable bag is provided to the consumer at a cost of not less  
19 than \$0.10 per bag.

1           (2) the compostable, single-use carryout bag, at a minimum, meets the  
2           American Society for Testing and Materials (ASTM) International Standard  
3           Specification for Compostable Plastics D6400, as updated; and

4           (3) in the municipality where the compostable, single-use carryout bag  
5           is sold, a majority of the residential households in the jurisdiction have access  
6           to curbside collection of food residuals.

7           (c) A retail establishment shall not require a consumer to use, purchase, or  
8           accept a single-use carryout bag; compostable, single-use carryout bag; or  
9           reusable grocery bag as a condition of sale of any product.

10           (d) All fees collected by a retail establishment under this section for  
11           provision of a compostable, single-use carryout bag shall be retained by the  
12           retail establishment.

13           § 6693. REUSABLE GROCERY BAGS

14           (a) On and after July 1, 2018, a retail establishment may sell or distribute a  
15           reusable grocery bag to a customer at the point of sale only if the reusable bag:

16                   (1) Has a handle and is designed for at least 125 uses.

17                   (2) Has a volume capacity of at least 15 liters.

18                   (3) Is machine washable or made from a material that can be cleaned  
19           and disinfected.

1           (4) Has printed on the bag, or on a tag attached to the bag that is not  
2           intended to be removed, and in a manner visible to the consumer, all of the  
3           following information:

4                   (A) the name of the manufacturer;

5                   (B) the country where the bag was manufactured;

6                   (C) a statement that the bag is a reusable bag and designed for at least  
7           125 uses;

8                   (D) if the bag is eligible for recycling in the State, a statement that  
9           the bag is recyclable, provided that the statement complies with 16 C.F.R. Part  
10           260 § 260.12 related to recyclable claims.

11           (5) Does not contain lead, cadmium, or any other toxic material that  
12           may pose a threat to public health. A reusable bag manufacturer may  
13           demonstrate compliance with this requirement by obtaining a no objection  
14           letter from the federal Food and Drug Administration.

15           (b)(1) In addition to the requirements in subsection (a) of this section, a  
16           reusable grocery bag made from plastic film shall meet all of the following  
17           requirements:

18                   (A) On and after January 1, 2018, it shall be made from a minimum  
19           of 20 percent postconsumer recycled material.

20                   (B) On and after January 1, 2022, it shall be made from a minimum  
21           of 40 percent postconsumer recycled material.

1           (C) It shall have, in addition to the information required to be printed  
2           on the bag or on a tag under subdivision (a)(4) of this section, a statement that  
3           the bag is made partly or wholly from postconsumer recycled material and  
4           stating the postconsumer recycled material content percentage.

5           (D) It shall be capable of carrying 22 pounds over a distance of 175  
6           feet for a minimum of 125 uses and shall be at least 2.25 mils thick, measured  
7           according to the American Society of Testing and Materials (ASTM) Standard  
8           D6988-13.

9           (2) A reusable grocery bag made from plastic film that meets the  
10          specifications of the American Society of Testing and Materials (ASTM)  
11          International Standard Specification for Compostable Plastics D6400 is not  
12          required to meet the requirements of subdivision (1)(A) or (B) of this  
13          subsection, but shall be labeled in accordance with the applicable State law  
14          regarding compostable plastics.

15          (c) In addition to the requirements of subsection (a) of this section, a  
16          reusable grocery bag that is not made of plastic film and that is made from any  
17          other natural or synthetic fabric, including woven or nonwoven nylon,  
18          polypropylene, polyethylene-terephthalate, or Tyvek, shall satisfy all of the  
19          following:

20               (1) It shall be sewn.

1           (2) It shall be capable of carrying 22 pounds over a distance of 175 feet  
2           for a minimum of 125 uses.

3           (3) It shall have a minimum fabric weight of at least 80 grams per  
4           square meter.

5           (d) On and after July 1, 2018, a retail establishment shall comply with the  
6           requirements of this section.

7           § 6694. VIOLATIONS; PENALTIES

8           A violation of this subchapter shall be punishable by a civil penalty of not  
9           more than \$1,000.00 for a first violation, not more than \$2,000.00 for a second  
10           violation, and not more than \$5,000.00 for a third or subsequent violation.

11           Sec. 2. EFFECTIVE DATE

12           This act shall take effect on July 1, 2017.