

1 H.409

2 Introduced by Representatives Hooper of Burlington, Anthony of Barre City,
3 Brownell of Pownal, Christensen of Weathersfield, Cina of
4 Burlington, Colston of Winooski, Dolan of Waitsfield, Gannon
5 of Wilmington, LaLonde of South Burlington, Macaig of
6 Williston, Nicoll of Ludlow, O'Sullivan of Burlington, Page of
7 Newport City, Patt of Worcester, Potter of Clarendon, Ralph of
8 Hartland, and Yantachka of Charlotte

9 Referred to Committee on

10 Date:

11 Subject: Conservation and development; taxation; water quality; single-use
12 plastics

13 Statement of purpose of bill as introduced: This bill proposes to impose on
14 each manufacturer of single-use plastic bags and single-use plastic containers a
15 fee of \$0.10 per single-use carryout bag or per single-use container sold in or
16 sold into the State. The fees would be deposited in the Clean Water Fund for
17 the use of that Fund. The bill would also prohibit a food establishment from
18 providing, distributing, or selling a single-use plastic straw to a consumer
19 unless requested by the consumer.

20 An act relating to single-use plastic bags and single-use plastic containers

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

2 Sec. 1. FINDINGS; PURPOSE

3 The General Assembly finds and declares that:

4 (1) Plastic residue from discarded plastic products has been found in the
5 surface waters, soils, and wildlife of Vermont.

6 (2) Discarded plastic products can cause significant environmental
7 harm, including killing of wildlife and disruption of ecosystem health.

8 (3) Because plastics do not degrade over time, discarded plastics
9 constitute a significant and growing portion of landfill capacity.

10 (4) To incent the reduction in the use of plastics, pay for the natural
11 resources and environmental harm caused by plastics, and to reduce plastic
12 disposal in landfills, the State should impose a fee on all single-use plastic
13 carryout bags and single-use plastic containers sold in the State.

14 Sec. 2. 32 V.S.A. chapter 216 is added to read:

15 CHAPTER 216. SINGLE-USE PLASTIC BAGS AND CONTAINERS

16 § 8751. DEFINITIONS

17 As used in this chapter:

18 (1) “Carryout bag” means a bag made of plastic that is provided by a
19 retail establishment to a consumer at the point of sale and that is not a reusable
20 grocery bag. A “single-use carryout bag” shall not include the following:

1 (A) a bag provided by a pharmacy to a customer purchasing a
2 prescription medication;

3 (B) a bag without handles used to protect a purchased item from
4 damaging or contaminating other purchased items when placed in another bag;

5 (C) a bag provided to contain an unwrapped food item; or

6 (D) a bag that is designed to be placed over articles of clothing on a
7 hanger.

8 (2) “Commissioner” means the Commissioner of Taxes.

9 (3) “Consumer product” means any product that is regularly used or
10 purchased to be used for personal, family, household, commercial, or industrial
11 purposes.

12 (4) “Container” means the individual, separate bottle, can, jar, or carton
13 composed in whole or in part of plastic containing a consumer product and of a
14 size of 1.5 gallons or 5,700 milliliters or less. This definition includes
15 containers made of biodegradable material.

16 (5) “Department” means the Department of Taxes.

17 (6) “Manufacturer” means a person who:

18 (A) manufactures or manufactured a single-use carryout bag or a
19 consumer product in a single-use container under its own brand or label for
20 sale in the State;

1 (B) sells in the State under its own brand or label a single-use
2 carryout bag or a consumer product in a single-use container produced by
3 another supplier;

4 (C) owns a brand that it licenses or licensed to another person for use
5 on a single-use carryout bag or consumer product in a single-use container sold
6 in the State;

7 (D) imports into the United States for sale in the State a single-use
8 carryout bag or a consumer product in a single-use container manufactured by
9 a person without a presence in the United States; or

10 (E) manufactures a single-use carryout bag or a consumer product in
11 a single-use container for sale in the State without affixing a brand name.

12 (7) “Plastic” means a synthetic material made from organic polymers,
13 including polypropylene and polystyrene, that can be molded into shape while
14 soft and then set into a rigid or slightly elastic form.

15 (8) “Reusable grocery bag” means a bag that is provided by a retail
16 establishment to a customer at the point of sale and that satisfies all of the
17 following provisions:

18 (A) The bag has a handle and is designed for at least 125 uses.

19 (B) The bag has a volume capacity of at least 15 liters.

20 (C) The bag is machine washable or made from a material that can be
21 cleaned and disinfected.

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

4 (i) the name of the manufacturer;

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

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

8 (iv) 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.
10 Part 260 § 260.12 related to recyclable claims.

11 (9) “Single-use” means a consumer product that is designed and
12 intended to be used only once and that is generally recognized by the public as
13 an item to be discarded after one use.

14 § 8752. IMPOSITION OF FEE ON SINGLE-USE CARRYOUT BAGS AND
15 SINGLE-USE CONTAINERS

16 There is hereby imposed on each manufacturer a fee of \$0.10 per single-use
17 carryout bag or per single-use container sold in or sold into the State.

18 § 8753. PAYMENT; DEPOSIT

19 (a) Each manufacturer shall prepare and submit to the Department a
20 monthly report according to procedures established by the Commissioner

1 showing the total number of single-use carryout bags or single-use containers
2 sold in or sold into the State by the manufacturer in the prior month.

3 (b) The fee on each single-use carryout bag or single-use container sold in
4 or sold into the State shall be paid each month to the Department at the same
5 time the report required under subsection (a) of this section is submitted.

6 (c) Fees collected under this chapter shall be deposited into the Clean
7 Water Fund established under 10 V.S.A. § 1388 and shall be used for the
8 purposes of that Fund.

9 § 8754. RECORDS

10 Each manufacturer shall keep a record of all single-use carryout bags or
11 single-use containers sold in or sold into the State. Record shall be available at
12 all times for inspection by the Commissioner.

13 § 8755. ENFORCEMENT

14 The fee imposed on the sale of single-use carryout bags and single-use
15 containers imposed under this chapter shall be enforced using the enforcement
16 and collection provisions set forth in chapter 103 of this title.

17 Sec. 3. 18 V.S.A. chapter 85, subchapter 3A is added to read:

18 Subchapter 3A. Single-Use Plastic Straws

19 § 4411. DEFINITIONS

20 As used in this subchapter:

1 (1) “Consumer” means an individual person, including an individual
2 person representing or acting as an agent for a corporation or other entity.

3 (2) “Food service establishment” means any place where food that is
4 intended for individual service and consumption is routinely provided
5 completely prepared, regardless of whether consumption is on or off the
6 premises and regardless of whether there is a charge for the food. “Food
7 service establishment” shall not mean a private home where food is prepared
8 for individual consumption.

9 (3) “Plastic” means a synthetic material made from organic polymers,
10 including polypropylene and polystyrene, that can be molded into shape while
11 soft and then set into a rigid or slightly elastic form.

12 (4) “Single-use” means a product that is designed and intended to be
13 used only once for drinking or eating and that is generally recognized by the
14 public as an item to be discarded after one use.

15 (5) “Single-use plastic straw” means a single-use tube made of plastic
16 that is used to transfer liquid from a container to the mouth of a person
17 drinking the liquid.

18 § 4412. SINGLE-USE PLASTIC STRAWS; PROHIBITION

19 A food service establishment shall not provide, distribute, or sell a single-
20 use plastic straw to a consumer unless requested by the consumer.

1 § 4413. PENALTY

2 For a first violation of section 4412 of this title, a food service
3 establishment shall be fined not more than \$50.00 for each day the food service
4 establishment remains in violation. For a second or subsequent violation of
5 section 4412 of this title, a food service establishment shall be fined \$100.00
6 for each day the food service establishment remains in violation.

7 Sec. 4. SUNSET; SINGLE-USE PLASTIC BAGS AND CONTAINERS;
8 SINGLE-USE PLASTIC STRAW

9 (a) 32 V.S.A. chapter 216 (single-use plastic bags and containers) shall be
10 repealed on January 1, 2020.

11 (b) 18 V.S.A. chapter 85, subchapter 3A (single-use plastic straws) shall be
12 repealed on January 1, 2020.

13 Sec. 5. EFFECTIVE DATE

14 This act shall take effect on January 1, 2020.