

1 S.113

2 Introduced by Senators Bray, Balint, Campion, Clarkson, Hardy, Lyons,

3 Pollina and Sirotkin

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 food
8 service establishments from providing plastic carryout bags, expanded
9 polystyrene food service products, and plastic straws to customers. It also
10 proposes to require the Agency of Natural Resources to convene a working
11 group to assess the progress of municipal implementation of single-use
12 carryout plastic bag bans. The working group would report back by
13 January 15, 2020 with recommendations.

14 An act relating to the prohibition of plastic carryout bags, expanded
15 polystyrene, and single-use plastic straws

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

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

18 Subchapter 5. Single-Use Carryout Bags; Expanded Polystyrene
19 Food Service Products; Single-use Plastic Straws

1 § 6691. DEFINITIONS

2 As used in this subchapter:

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

4 (2) “Carryout bag” means a bag provided by a store or food service
5 establishment to a customer at the point of sale for the purpose of carrying
6 groceries or retail goods.

7 (3) “Disability,” with respect to an individual, has the same meaning as
8 in 9 V.S.A. § 4501.

9 (4) “Expanded polystyrene” means blown polystyrene and expanded
10 and extruded foams that are thermoplastic petrochemical materials utilizing a
11 styrene monomer and processed by a number of techniques, including fusion
12 of polymer spheres (expandable bead polystyrene), injection molding, foam
13 molding, and extrusion-blow molding (extruded foam polystyrene).

14 (5) “Expanded polystyrene food service product” means a product
15 made, in whole or in part, of expanded polystyrene that is used for selling or
16 providing a food or beverage, and includes a food container, plate, hot or cold
17 beverage cup, meat or vegetable tray, or egg carton. Expanded polystyrene
18 food service product shall not include a product used to package raw,
19 uncooked, or butchered meat, fish, poultry, or seafood for off-premises
20 consumption.

1 (6) “Food service establishment” has the same meaning as in 18 V.S.A.
2 § 4301.

3 (7) “Plastic” means a synthetic material made from linking monomers
4 through a chemical reaction to create a polymer chain that can be molded or
5 extruded at high heat into various solid forms that retain their defined shapes
6 during their life cycle and after disposal.

7 (8) “Secretary” means the Secretary of Natural Resources.

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

11 (10) “Store” means grocery store, supermarket, convenience store,
12 liquor store, pharmacy, drug store, or other retail establishment that has over
13 1,000 square feet of retail space and that provides carryout bags to its
14 customers.

15 § 6692. PROHIBITION OF PRODUCTS

16 (a) No store or food service establishment shall provide a plastic carryout
17 bag to a customer.

18 (b) No person shall sell or offer for sale any expanded polystyrene food
19 service product.

20 (c) No food service establishment shall sell or provide any food in an
21 expanded polystyrene food service product.

1 (d) No food service establishment shall sell or provide a single-use plastic
2 straw to a customer, except that a food service establishment shall provide a
3 single-use plastic straw to a person who requests a single-use plastic straw due
4 to a disability or medical condition.

5 § 6693. CIVIL PENALTIES; WARNING

6 (a) A person who violates the requirements of this subchapter shall:

7 (1) receive a written warning for a first offense

8 (2) be subject to a civil penalty of \$25.00 for a second offense; and

9 (3) be subject to a civil penalty of \$100.00 for a third or subsequent
10 offense.

11 (b) For the purposes of enforcement under this subchapter, an offense shall
12 be each day a person is violating the requirement of this subchapter.

13 § 6694. RULEMAKING

14 The Secretary may adopt rules as may be necessary to implement,
15 administer, or enforce the requirements of this subchapter.

16 Sec. 2. PLASTIC BAG BAN WORKING GROUP; REPORT

17 (a) The Secretary of Natural Resources or designee shall form the Plastic
18 Bag Ban Working Group that shall evaluate the implementation of plastic bag
19 bans adopted by the State and by municipalities. The Working Group shall
20 include representatives from the Vermont League of Cities and Towns, the
21 Vermont Retail and Grocer's Association, municipalities that have

1 implemented a plastic bag ban, and a solid waste hauler. The working group
2 shall:

3 (1) offer an opportunity for submission of information from interested
4 parties, including local businesses and environmental organizations, regarding
5 implementation of plastic bag bans adopted by the State and municipalities;
6 and

7 (2) make recommendation to enhance the implementation of Statewide
8 ban on single-use plastic materials, including those materials regulated under
9 Section 1 of this act.

10 (b) On or before January 15, 2020, the Secretary of Natural Resources shall
11 submit to the House Committee on Natural Resources, Fish, and Wildlife and
12 the Senate Committee on Natural Resources and Energy a report assessing
13 State and municipal success in implementing plastic bag bans.

14 Sec. 3. EFFECTIVE DATES

15 (a) This section and Sec. 2 (Municipal Plastic Bag Ban Working Group)
16 shall take effect on passage.

17 (b) Sec. 1 (prohibition on single-use carryout bags; containers; straws) shall
18 take effect on July 1, 2020.