Introduced by Senators Bray, Balint, Campion, Clarkson, Hardy, Lyons, Pollina and Sirotkin

Referred to Committee on

Date:

Subject: Conservation and development; solid waste; plastic bags

Statement of purpose of bill as introduced: This bill proposes to prohibit food service establishments from providing plastic carryout bags, expanded polystyrene food service products, and plastic straws to customers. It also proposes to require the Agency of Natural Resources to convene a working group to assess the progress of municipal implementation of single-use carryout plastic bag bans. The working group would report back by January 15, 2020 with recommendations.

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

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

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

Subchapter 5. Single-Use Carryout Bags; Expanded Polystyrene Food Service Products; Single-use Plastic Straws
§ 6691. DEFINITIONS

As used in this subchapter:

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

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

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

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

(5) “Expanded polystyrene food service product” means a product made, in whole or in part, of expanded polystyrene that is used for selling or providing a food or beverage, and includes a food container, plate, hot or cold beverage cup, meat or vegetable tray, or egg carton. Expanded polystyrene food service product shall not include a product used to package raw, uncooked, or butchered meat, fish, poultry, or seafood for off-premises consumption.
(6) “Food service establishment” has the same meaning as in 18 V.S.A. § 4301.

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

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

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

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

§ 6692. PROHIBITION OF PRODUCTS

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

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

(c) No food service establishment shall sell or provide any food in an expanded polystyrene food service product.
(d) No food service establishment shall sell or provide a single-use plastic straw to a customer, except that a food service establishment shall provide a single-use plastic straw to a person who requests a single-use plastic straw due to a disability or medical condition.

§ 6693. CIVIL PENALTIES; WARNING

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

(1) receive a written warning for a first offense

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

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

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

§ 6694. RULEMAKING

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

Sec. 2. PLASTIC BAG BAN WORKING GROUP; REPORT

(a) The Secretary of Natural Resources or designee shall form the Plastic Bag Ban Working Group that shall evaluate the implementation of plastic bag bans adopted by the State and by municipalities. The Working Group shall include representatives from the Vermont League of Cities and Towns, the Vermont Retail and Grocer’s Association, municipalities that have
implemented a plastic bag ban, and a solid waste hauler. The working group shall:

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

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

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

Sec. 3. EFFECTIVE DATES

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

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