

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Natural Resources, Fish, and Wildlife to which was
3 referred Senate Bill No. 113 entitled “An act relating to the management of
4 single-use products” respectfully reports that it has considered the same and
5 recommends that the House propose to the Senate that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

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

9 Subchapter 5. Single-Use Carryout Bags; Expanded Polystyrene Food

10 Service Products; Single-use Plastic Straws

11 § 6691. DEFINITIONS

12 As used in this subchapter:

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

14 (2) “Carryout bag” means a bag provided by a store or food service
15 establishment to a customer at the point of sale for the purpose of transporting
16 groceries or retail goods, except that a “carryout bag” shall not mean a bag
17 provided by a pharmacy to a customer purchasing a prescription medication.

18 (3) “Expanded polystyrene” means blown polystyrene and expanded
19 and extruded foams that are thermoplastic petrochemical materials utilizing a
20 styrene monomer and processed by a number of techniques, including: fusion
21 of polymer spheres, known as expandable bead 20 polystyrene; injection

1 molding; foam molding; and extrusion-blow molding, also known as extruded
2 foam polystyrene.

3 (4)(A) “Expanded polystyrene food service product” means a product
4 made of expanded polystyrene that is:

5 (i) used for selling or providing food or beverages and intended by
6 the manufacturer to be used once for eating or drinking; or

7 (ii) generally recognized by the public as an item to be discarded
8 after one use.

9 (B) “Expanded polystyrene food service product” shall include:

10 (i) food containers;

11 (ii) plates;

12 (iii) hot and cold beverage cups;

13 (iv) trays; and

14 (v) cartons for eggs or other food.

15 (C) “Expanded polystyrene food service product” shall not include:

16 (i) food or beverages that have been packaged in expanded
17 polystyrene outside the State before receipt by a food service establishment or
18 store;

19 (ii) a product made of expanded polystyrene that is used to
20 package raw, uncooked, or butchered meat, fish, poultry, or seafood; or

21 (iii) nonfoam polystyrene food service products.

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

3 (6) “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, including material derived from either
7 petroleum or a biologically based polymer, such as corn or other plant sources.

8 (7) “Point of sale” means a check-out stand, cash register, or other point
9 of departure from a store or food service establishment, including the location
10 where remotely ordered food or products are delivered to a purchaser.

11 (8) “Recyclable paper carryout bag” means a carryout bag made of
12 paper that:

13 (A) contains at least 40 percent post-consumer recycled material; and

14 (B) is 100 percent recyclable.

15 (9) “Reusable carryout bag” means a carryout bag that is specifically:

16 (A) made of cloth or other machine-washable fabric that has stitched
17 handles; or

18 (B) a polypropylene bag that has stitched handles.

19 (10) “Secretary” means the Secretary of Natural Resources.

20 (11) “Single-use paper carryout bag” means a carryout bag made of
21 paper.

1 (12) “Single-use plastic carryout bag” means a carryout bag made of
2 plastic that has a thickness of less than 4 mils and that is not a reusable
3 carryout bag.

4 (13) “Single-use plastic stirrer” means a device that is used to mix
5 beverages, intended for only single-use, and made predominantly of plastic.

6 (14) “Single-use plastic straw” means a tube made of plastic that is:

7 (A) used to transfer liquid from a container to the mouth of a person
8 drinking the liquid;

9 (B) designed and intended to be used only once; and

10 (C) generally recognized by the public as an item that is to be
11 discarded after one use.

12 (15) “Store” means a grocery store, supermarket, convenience store,
13 liquor store, drycleaner, pharmacy, drug store, or other retail establishment that
14 provides carryout bags to its customers.

15 § 6692. SINGLE-USE PLASTIC CARRYOUT BAGS; PROHIBITION

16 A store or food service establishment shall not provide a single-use plastic
17 carryout bag to a customer.

18 § 6693. RECYCLABLE PAPER CARRYOUT BAG

19 (a)(1) Before July 1, 2021, a store or food service establishment may
20 provide a single-use paper carryout bag at the point of sale if the bag is a
21 recyclable paper carryout bag and the bag is provided to the consumer for a

1 charge of not less than \$0.10 per bag.

2 (2) All monies collected by a store or food service establishment under
3 this subsection for provision of a recyclable paper carryout bag shall be
4 retained by the store or food service establishment.

5 (b) Beginning on July 1, 2021, a store or food service establishment shall
6 not provide a single-use paper carryout bag to a customer.

7 § 6694. SINGLE-USE PLASTIC STRAWS

8 (a) A food service establishment shall not provide a single-use plastic straw
9 to a customer, except that a food service establishment may provide a straw to
10 a person upon request.

11 (b) The prohibition on sale or provision of a single-use plastic straw under
12 subsection (a) of this section shall not apply to:

13 (1) a hospital licensed under 18 V.S.A. chapter 43;

14 (2) a nursing home, residential care home, assisted living residence,
15 home for the terminally ill, or therapeutic community, as those terms are
16 defined in 33 V.S.A. chapter 71; or

17 (3) an independent living facility as that term is defined in 32 V.S.A.
18 chapter 225.

19 (c) This section shall not alter the requirements of 9 V.S.A. chapter 139
20 regarding the provision of services by a place of public accommodation.

1 § 6695. SINGLE-USE PLASTIC STIRRERS

2 A food service establishment shall not provide a single-use plastic stirrer to
3 a customer.

4 § 6696. EXPANDED POLYSTYRENE FOOD SERVICE PRODUCTS

5 (a) A person shall not sell or offer for sale in the State an expanded
6 polystyrene food service product.

7 (b) A store or food service establishment shall not sell or provide food or
8 beverages in an expanded polystyrene food service product.

9 (c) This section shall not prohibit a person from storing or packaging a
10 food or beverage in an expanded polystyrene food service product for
11 distribution out of State.

12 § 6697. CIVIL PENALTIES; WARNING

13 (a) A person, store, or food service establishment that violates the
14 requirements of this subchapter shall:

15 (1) receive a written warning for a first offense;

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

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

19 (b) For the purposes of enforcement under this subchapter, an offense shall
20 be each day a person, store, or food service establishment is violating the
21 requirement of this subchapter.

1 § 6698. RULEMAKING

2 The Secretary may adopt rules to implement the requirements of this
3 subchapter.

4 § 6699. APPLICATION TO MUNICIPAL BYLAWS, ORDINANCES, OR
5 CHARTERS; PREEMPTION

6 (a) The General Assembly finds that the requirements of this chapter are of
7 statewide interest and shall be applied uniformly in the State and shall occupy
8 the entire field of regulation of single-use plastic carryout bags, single-use
9 paper carryout bags, single-use plastic straws, single-use plastic stirrers, and
10 expanded polystyrene food service products.

11 (b) A municipal ordinance, bylaw, or charter adopted or enacted before
12 July 1, 2020 that regulates or addresses the use, sale, or provision of single-use
13 plastic carryout bags, single-use paper carryout bags, single-use plastic straws,
14 single-use plastic stirrers, or expanded polystyrene food service products is
15 preempted by the requirements of this subchapter and a municipality shall not
16 enforce or otherwise implement the ordinance, bylaw, or charter.

17 Sec. 2. SINGLE-USE PRODUCTS WORKING GROUP; REPORT

18 (a) Creation; purpose. There is created the Single-Use Products Working
19 Group to:

20 (1) evaluate current State and municipal policy and requirements for the
21 management of unwanted single-use products; and

1 (2) recommend to the Vermont General Assembly policy or
2 requirements that the State should enact to:

3 (A) mitigate the harmful effects of single-use products on Vermont’s
4 municipalities and natural resources;

5 (B) relieve the pressure for landfills to manage the disposition of
6 single-use products;

7 (C) reduce the use of single-use products, reduce the environmental
8 impact of single-use products, improve statewide management of single-use
9 products, and divert single-use products from disposal in landfills; and

10 (D) prevent contamination of natural resources by discarded single-
11 use products.

12 (b) Definitions. As used in this section:

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

16 (2) “Disposable plastic food service ware” means containers, plates,
17 clamshells, serving trays, meat and vegetable trays, hot and cold beverage
18 cups, cutlery, and other utensils that are made of plastic or plastic-coated
19 paper, including products marketed as biodegradable products but a portion of
20 the product is not compostable.

21 (3) “Expanded polystyrene food service product” means a product made

1 of expanded polystyrene that is:

2 (A) used for selling or providing food or beverages and intended by
3 the manufacturer to be used once for eating or drinking; or

4 (B) generally recognized by the public as an item to be discarded
5 after one use.

6 (4) “Extended producer responsibility” means a requirement for a
7 producer of a product to provide for and finance the collection, transportation,
8 reuse, recycling, processing, and final management of the product.

9 (5) “Food service establishment” has the same meaning as in 18 V.S.A.
10 § 4301.

11 (6) “Packaging” means materials that are used for the containment,
12 protection, handling, delivery, and presentation of goods sold or delivered in
13 Vermont.

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

18 (8) “Point of sale” means a check-out stand, cash register, or other point
19 of departure from a store or food service establishment, including the location
20 where remotely ordered food or products are delivered to a purchaser.

21 (9) “Printed materials” means material that is not packaging, but is

1 printed with text or graphics as a medium for communicating information,
2 including telephone books but not including other bound reference books,
3 bound literary books, or bound textbooks.

4 (10) “Single-use” means a product that is designed and intended to be
5 used only once and is generally recognized by the public as an item that is to
6 be discarded after one use.

7 (11) “Single-use products” means single-use carryout bags, single-use
8 packaging, single-use disposable plastic food service ware, expanded
9 polystyrene food service products, printed materials, and other single-use
10 plastics or single-use products that are provided to consumers by stores, food
11 service establishments, or other retailers.

12 (12) “Store” means a grocery store, supermarket, convenience store,
13 liquor store, pharmacy, drycleaner, drug store, or other retail establishment.

14 (13) “Unwanted” means when a person in possession of a product
15 intends to abandon or discard the product.

16 (c) Membership. The Single-Use Products Working Group shall be
17 composed of the following members:

18 (1) a member of the Senate appointed by the Committee on
19 Committees;

20 (2) a member of the House of Representatives appointed by the
21 Speaker of the House;

1 (3) the Secretary of Natural Resources or designee;

2 (4) a **representative** of a single-stream materials recovery facility
3 located in Vermont appointed by the Governor;

4 (5) two representatives from solid waste management entities in the
5 State appointed by the Committee on Committees;

6 (6) one representative from the Vermont League of Cities and Towns
7 appointed by the Speaker of the House;

8 (7) one representative of an association or group representing
9 manufacturers or distributors of single-use products appointed by the
10 Governor;

11 (8) one representative of an environmental advocacy group located in
12 the State appointed by the Speaker of the House; and

13 (9) two representatives of stores or food service establishments in the
14 State appointed by the Committee on Committees.

15 (d) Powers and duties. The Single-Use Products Working Group shall:

16 (1) Evaluate the success of existing State and municipal requirements
17 for the management of unwanted single-use products.

18 (2) Estimate the effects on landfill capacity of single-use products that
19 can be recycled, but are currently being disposed.

20 (3) Recommend methods or mechanisms for the effects on landfill
21 capacity of single-use products that can be recycled, but are currently being

1 disposed improving the management of single-use products in the State,
2 including whether the State should establish extended producer responsibility
3 or similar requirements for manufacturers, distributors, or brand owners of
4 single-use products.

5 (4) If extended producer responsibility or similar requirements for
6 single-use products are recommended under subdivision (3) of this
7 subsection, recommend:

8 (A) The single-use products to be included under the requirements.

9 (B) A financial incentive for manufacturers, distributors, or brand
10 owners of single-use products to minimize the environmental impacts of the
11 products in Vermont. The environmental impacts considered shall include
12 review of the effect on climate change of the production, use, transport, and
13 recovery of single-use products.

14 (C) How to structure a requirement for manufacturers, distributors,
15 or brand owners to provide for or finance the collection, processing, and
16 recycling of single-use products using existing infrastructure in the
17 collection, processing, and recycling of products where feasible.

18 (5) An estimate of the costs and benefits of any recommended method
19 or mechanism for improving the management of single-use products in the
20 State.

21 (e) Assistance. The Single-Use Products Working Group shall have the

1 administrative, technical, financial, and legal assistance of the Agency of
2 Natural Resources, the Department of Health, the Office of Legislative
3 Council, and the Joint Fiscal Office.

4 (f) Report. On or before December 1, 2019, the Single-Use Products
5 Working Group shall submit to the Senate Committee on Natural Resources
6 and Energy and the House Committee on Natural Resources, Fish, and
7 Wildlife the findings and recommendations required under subsection (d) of
8 this section.

9 (g) Meetings.

10 (1) The Office of Legislative Council shall call the first meeting of the
11 Single-Use Products Working Group to occur on or before July 1, 2019.

12 (2) The Committee shall select a chair from among its members at the
13 first meeting.

14 (3) A majority of the membership shall constitute a quorum.

15 (4) The Working Group shall cease to exist on February 1, 2020.

16 (h) Compensation and reimbursement.

17 (1) For attendance at meetings during adjournment of the General
18 Assembly, a legislative member of the Working Group serving in his or her
19 capacity as a legislator shall be entitled to per diem compensation and
20 reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than six
21 meetings.

1 (2) Other members of the Working Group shall be entitled to per diem
2 compensation and reimbursement of expenses as permitted under 32 V.S.A.
3 § 1010 for not more than six meetings.

4 (3) Payments to members of the Working Group authorized under this
5 subsection shall be made from monies appropriated to the General Assembly.

6 Sec. 3. EFFECTIVE DATES

7 (a) This section and Sec. 2 (working group) shall take effect on passage.

8 (b) Sec. 1 (single-use products) shall take effect July 1, 2020.

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16 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE