

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 Service
10 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 carrying
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
22 molding; foam molding; and extrusion–blow molding, also known as extruded
23 foam polystyrene.

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

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

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

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

8 (i) food containers;

9 (ii) plates;

10 (iii) hot and cold beverage cups;

11 (iv) trays; and

12 (v) cartons for eggs or other food.

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

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

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

19 (iii) nonfoam polystyrene food service products.

20 (5) “Food service establishment” has the same meaning as in 18 V.S.A.
21 § 4301.

22 (6) “Plastic” means a synthetic material made from linking monomers
23 through a chemical reaction to create a polymer chain that can be molded or

1 extruded at high heat into various solid forms that retain their defined shapes
2 during their life cycle and after disposal.

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

6 (8) “Reusable carryout bag” means a carryout bag that is specifically

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

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

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

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

13 (11) “Single-use plastic carryout bag” means a carryout bag made of
14 plastic that has a thickness of less than 4 mils and that is not a reusable
15 carryout bag.

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

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

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

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

22 (13) Single-use plastic stirrer means a device that is used to mix
23 beverages, intended for only single-use, and made predominantly of plastic

1 derived from either petroleum or a biologically based polymer, such as corn or
2 other plant sources.

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

7 § 6692. SINGLE-USE PLASTIC CARRYOUT BAGS; PROHIBITION

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

10 § 6693. SINGLE-USE PAPER CARRYOUT BAG

11 (a)(1) Before July 1, 2021, a store or food service establishment may
12 provide a single-use paper carryout bag at the point of sale, if the single-use
13 paper carryout bag is provided to the consumer for a charge of not less than
14 \$0.10 per bag.

15 (2) All monies collected by a store or food service establishment under
16 this subsection for provision of a single-use paper carryout bag shall be
17 retained by the store or food service establishment.

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

20 § 6694. SINGLE-USE PLASTIC STRAWS

21 (a) A food service establishment shall not sell or provide a single-use
22 plastic straw to a customer, except that a food service establishment may
23 provide a straw to a person upon request.

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

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

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

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

9 § 6695. SINGLE-USE PLASTIC STIRRERS

10 A food service establishment shall not sell or provide a single-use plastic
11 stirrer to a customer.

12 § 6696. EXPANDED POLYSTYRENE FOOD SERVICE PRODUCTS

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

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

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

20 § 6697. CIVIL PENALTIES; WARNING

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

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

1 (2) be subject to a civil penalty of \$25.00 for a second offense; and
2 (3) be subject to a civil penalty of \$100.00 for a third or subsequent
3 offense.

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

6 § 6698. RULEMAKING

7 The Secretary may adopt rules to implement the requirements of this
8 subchapter.

9 § 6699. APPLICATION TO MUNICIPAL BYLAWS, ORDINANCES, OR
10 CHARTERS; PREEMPTION

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

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

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

23 (a) Definitions. As used in this section:

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

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

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

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

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

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

18 (5) “Food service establishment” has the same meaning as in 18 V.S.A.
19 § 4301.

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

23 (7) “Plastic” means a synthetic material made from linking monomers

1 through a chemical reaction to create a polymer chain that can be molded or
2 extruded at high heat into various solid forms that retain their defined shapes
3 during their life cycle and after disposal.

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

7 (9) “Printed materials” means material that is not packaging, but is
8 printed with text or graphics as a medium for communicating information,
9 including telephone books but not including other bound reference books,
10 bound literary books, or bound textbooks.

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

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

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

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

23 (b) Creation. There is created the Single-Use Products Working Group to:

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

3 (2) recommend to the Vermont General Assembly policy or
4 requirements that the State should enact to **reduce the use of single-use**
5 **products, reduce the environmental impact of single-use products, improve**
6 statewide management of single-use products, divert single-use products from
7 disposal in landfills, and prevent contamination of natural resources by
8 discarded single-use products.

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

11 (1) a member of the Senate appointed by the Committee on
12 Committees;

13 (2) a member of the House of Representatives appointed by the
14 Speaker of the House;

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

16 (4) **an owner of** a single-stream materials recovery facility located in
17 Vermont appointed by the Governor;

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

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

22 (7) one representative of an association or group representing
23 manufacturers or distributors of single-use products appointed by the

1 Governor;

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

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

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

7 (1) Evaluate the success of existing State and municipal requirements
8 for the management of unwanted single-use products, including a lifecycle
9 analysis of the management of single use products from production to
10 ultimate disposition.

11 ~~(2) Evaluate the availability and utility of compostable, single use~~
12 ~~products.~~

13 ~~(3) Estimate the cost to the State and municipalities of management of~~
14 ~~unwanted single use products.~~

15 ~~(24) Estimate the effects on landfill capacity of single-use products~~
16 ~~that can be recycled, but are currently being disposed other costs of the~~
17 ~~management or failure to manage unwanted single use products, including~~
18 ~~the effects on landfill capacity.~~

19 ~~(52) Summarize the effects on the environment and natural resources~~
20 ~~of failure to manage single use products appropriately, including the~~
21 ~~propensity to create litter and the effects on human health from toxic~~
22 ~~substances that originate in unwanted single use products.~~

23 (36) Recommend methods or mechanisms for **reducing the volume,**

1 toxicity and environmental impact of single-use products while improving the
2 lifecycle management of single-use products in the State, including whether
3 the State should establish extended producer responsibility or similar
4 requirements for manufacturers, distributors, or brand owners of single-use
5 products.

6 (47) If extended producer responsibility or similar requirements for
7 single-use products are recommended under subdivision (36) of this
8 subsection, recommend:

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

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

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

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

22 (e) Assistance. The Single-Use Products Working Group shall have the
23 administrative, technical, financial, and legal assistance of the Agency of

1 Natural Resources, the Department of Health, the Office of Legislative
2 Council, and the Joint Fiscal Office.

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

8 (g) Meetings.

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

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

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

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

15 (h) Compensation and reimbursement.

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

21 (2) Other members of the Working Group shall be entitled to per diem
22 compensation and reimbursement of expenses as permitted under 32 V.S.A.
23 § 1010 for not more than six meetings.

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

3 Sec. 3. EFFECTIVE DATES

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

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

6

7

8

9

10

11

12

13 (Committee vote: _____)

14

15

Representative _____

16

FOR THE COMMITTEE