

### S.113. An Act relating to the Prohibition of Plastic Carryout Bags, Expanded Polystyrene, and Single Use Plastic Straws: Section by Section Summary

<b>Sec. 1. 10 V.S.A. ch. 159, subchapter 5. Single-Use Carryout Bags, Expanded Polystyrene Food Service Products, Single-Use Straws</b>	
Sec. 1 10 V.S.A. ch. 159, sub. 5	<ul style="list-style-type: none"> <li>• Adds to the chapter regarding waste management a new subchapter regulating single-use carryout bags, expanded polystyrene food service products, and single-use straws.</li> </ul>
10 V.S.A. § 6691 Definitions	<ul style="list-style-type: none"> <li>• “Carryout bag” is a bag provided by a store or food service establishment to a customer at the point of sale for carrying groceries or retail goods, but it does not mean bags provided by a pharmacy to customers purchasing a prescription medication.</li> <li>• “Expanded polystyrene food service product” is a product made of expanded polystyrene that is: used for selling or providing food or beverages and intended to be used once for eating or drinking; or generally recognized as an item to be discarded after one use. <ul style="list-style-type: none"> <li>○ “Expanded polystyrene food service product” includes: food containers; plates; beverage cups; trays; and egg or food cartons.</li> <li>○ “Expanded polystyrene food service product” shall not include: <ul style="list-style-type: none"> <li>* food or beverages packed in expanded polystyrene outside the State before receipt by a food service establishment or store;</li> <li>* products made of expanded polystyrene used to package raw, uncooked, or butchered meat, fish, poultry, or seafood; or</li> <li>* nonfoam polystyrene food service products.</li> </ul> </li> </ul> </li> <li>• “Reusable carryout bag” is a carryout bag specifically designed and manufactured for multiple reuse and is: made of cloth or washable fabric with handles; a nonwoven polypropylene bag with handles; or a durable plastic bag with handles that is at least 2.25 mils thick.</li> <li>• “Single-use paper carryout bag” is a carryout bag made of paper or other material that is not plastic that has a thickness of less than 2.25 mils and that is not a reusable grocery bag.</li> <li>• “Single-use plastic carryout bag” is a carryout bag made of plastic that is less than 2.25 mils thick and is not a reusable grocery bag.</li> <li>• “Single-use plastic straw” is a tube made of plastic that is: used to transfer liquid from a container to the mouth of a person; designed and intended to be used only once; and generally recognized as an item that is to be discarded after one use.</li> <li>• “Store” is a grocery store, supermarket, convenience store, liquor store, drycleaner, 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.</li> </ul>
10 V.S.A. § 6692 Single-use Plastic Carryout Bags	<ul style="list-style-type: none"> <li>• Prohibits a store or food establishment from providing single-use plastic carryout bags to a customer.</li> <li>• Goes into effect July 1, 2020.</li> </ul>
10 V.S.A. § 6693 Single-use Paper Carryout Bags	<ul style="list-style-type: none"> <li>• A store or food service establishment may provide a single-use paper carryout bag but only at a cost of not less than \$0.10 per bag.</li> <li>• The store or food service establishment retains all monies collected for a single-use paper carryout bag.</li> <li>• Goes into effect July 1, 2020</li> </ul>

<p>10 V.S.A. § 6694 Single-use Plastic Straws</p>	<ul style="list-style-type: none"> <li>• Prohibits a food service establishment from selling or providing a single-use plastic straw to a customer, except that a food service establishment shall provide a single-use plastic straw to a person upon request.</li> <li>• Goes into effect July 1, 2020</li> </ul>
<p>10 V.S.A. § 6695 Expanded Polystyrene Food Service Products</p>	<ul style="list-style-type: none"> <li>• Prohibits a person from selling or offering for sale in the State an expanded polystyrene food service product.</li> <li>• Prohibits a store or food service establishment from providing food or beverages in expanded polystyrene food service products.</li> <li>• The section does not prohibit a person from storing or packaging a food or beverage in an expanded polystyrene food service product for distribution out of State.</li> <li>• Goes into effect July 1, 2020</li> </ul>
<p>10 V.S.A. § 6696 Civil Penalties</p>	<ul style="list-style-type: none"> <li>• A person who violates any of the prohibitions on the provision of single-use carryout bags, expanded polystyrene food service products, or single-use straws shall be subject to enforcement : <ul style="list-style-type: none"> <li>○ For a first offense, the person receives a written warning for a first offense</li> <li>○ For a second offense, the person is subject to a civil penalty of \$25.00; and</li> <li>○ For a third or subsequent offense, the person is subject to a civil penalty of \$100.00.</li> </ul> </li> <li>• An offense shall be each day a person is violating the requirement of this subchapter.</li> </ul>
<p>10 V.S.A. § 6697 Rulemaking</p>	<ul style="list-style-type: none"> <li>• ANR may adopt rules to implement the requirements of this subchapter.</li> </ul>

## Sec. 2. Single-Use Products Working Group Report

- Creates the Single-Use Products Working Group to:
  - Evaluate current State and municipal policy and requirements for management of unwanted single-use products; and
  - Recommend to the Legislature how to improve statewide management of single-use products, divert single-use products from disposal in landfills, and prevent contamination of natural resources by discarded single-use products.
- The Working Group shall:
  - Evaluate the success of existing State and municipal requirements for the management of unwanted single-use products, including a lifecycle analysis of the management of single-use products from production to ultimate disposition.
  - Estimate the cost to the State and municipalities of management of unwanted single-use products.
  - Estimate other costs of the management or failure to manage unwanted single-use products, including the effects on landfill capacity.

- Summarize the effects on the environment and natural resources of failure to manage single-use products appropriately, including the propensity to create litter and the effects on human health from toxic substances that originate in unwanted single-use products.
- Recommend methods or mechanisms for improving the lifecycle management of single-use products in the State, including whether the State should establish extended producer responsibility requirements for manufacturers, distributors, or brand owners of single-use products.
- If extended producer responsibility requirements for single-use products are recommended, recommend:
  - \* The single-use products to be included under the requirements;
  - \* A financial incentive for manufacturers, distributors, or brand owners of single-use products to minimize the environmental impacts of the products in Vermont. The environmental impacts considered shall include review of the effect on climate change of the production, use, transport, and recovery of single-use products; and
  - \* How to structure a requirement for manufacturers, distributors, or brand owners to provide for or finance the collection, processing, and recycling of single-use products using existing infrastructure in the collection, processing, and recycling of products where feasible.
- An estimate of the costs and benefits of any recommended method or mechanism for improving the management of single-use products in the State.
- On or before December 1, 2019, the Single-Use Products Working Group shall submit to the Senate Committee on Natural Resources and Energy and the House Committee on Natural Resources, Fish, and Wildlife the findings and recommendations required by this section

### **Sec. 3. Effective Dates**

- The Single-Use Products Working Group under Sec. 2 shall take effect on passage.
- The regulation of single use products, including the bans on sale or provision, under Sec. 1 shall take effect July 1, 2020.

### **Retitle of Bill**

- After passage the title of the bill would be amended to read: “An act relating to the management of single-use products”