

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred
3 Senate Bill No. 113 entitled “An act relating to the prohibition of plastic
4 carryout bags, expanded polystyrene, and single-use plastic straws”
5 respectfully reports that it has considered the same and recommends that the
6 bill be amended by striking out all after the enacting clause and inserting in
7 lieu thereof the 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

10 Food 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 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

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.

7 (7) “Reusable carryout bag” means a carryout bag that is specifically
8 designed and manufactured for multiple reuse and that is:

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

10 (B) a nonwoven polypropylene bag that has handles; or

11 (C) a durable plastic bag that has handles and is at least 2.25 mils
12 thick.

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

14 (9) “Single-use paper carryout bag” means a carryout bag made of paper
15 or other material that is not plastic that has a thickness of less than 2.25 mils
16 and that is not a reusable grocery bag.

17 (10) “Single-use plastic carryout bag” means a carryout bag made of
18 plastic, that has a thickness of less than 2.25 mils and that is not a reusable
19 grocery bag.

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

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

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

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

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

10 § 6692. SINGLE-USE PLASTIC CARRYOUT BAGS; PROHIBITION

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

13 § 6693. SINGLE-USE PAPER CARRYOUT BAG

14 (a) A store or food service establishment retail may provide a single-use
15 paper carryout bag at the point of sale, if the single-use paper carryout bag is
16 provided to the consumer at a cost of not less than \$0.10 per bag.

17 (b) All monies collected by a store or food service establishment under this
18 section for provision of a single-use paper carryout bag shall be retained by the
19 store or food service establishment.

1 § 6694. SINGLE-USE PLASTIC STRAWS

2 A food service establishment shall not sell or provide a single-use plastic
3 straw to a customer, except that a food service establishment shall provide a
4 single-use plastic straw to a person upon request.

5 § 6695. EXPANDED POLYSTYRENE FOOD SERVICE PRODUCTS

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

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

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

13 § 6696. CIVIL PENALTIES; WARNING

14 (a) A person who violates the 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 is violating the requirement of this subchapter.

1 § 6697. RULEMAKING

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

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

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

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

9 (2) “Disposable plastic food service ware” means nonrecyclable
10 containers, plates, clamshells, serving trays, meat and vegetable trays, hot and
11 cold beverage cups, and utensils that are made of plastic or plastic-coated
12 paper, including products marketed as biodegradable products but a portion of
13 the product is not compostable.

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

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

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

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

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

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

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

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

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

20 (10) “Single-use products” means single-use carryout bags, single-use
21 packaging, single-use disposable plastic food service ware, expanded

1 polystyrene food service products, printed materials, and other single-use
2 plastics or single-use products that are provided to consumers by stores, food
3 service establishments, or other retailers.

4 (11) “Store” means grocery store, supermarket, convenience store,
5 liquor store, pharmacy, drycleaner, drug store, or other retail establishment.

6 (12) “Unwanted” means when a person in possession of a product
7 intends to abandon or discard the product.

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

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

11 (2) recommend to the Vermont General Assembly policy or
12 requirements that the State should enact to improve statewide management of
13 single-use products, divert single-use products from disposal in landfills, and
14 prevent contamination of natural resources by discarded single-use products.

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

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

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

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

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

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

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

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

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

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

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

15 (1) Evaluate the success of existing State and municipal requirements
16 for the management of unwanted single-use products, including a lifecycle
17 analysis of the management of single-use products from production to
18 ultimate disposition.

19 (2) Estimate the cost to the State and municipalities of management of
20 unwanted single-use products.

1 (3) Estimate other costs of the management or failure to manage
2 unwanted single-use products, including the effects on landfill capacity.

3 (4) Summarize the effects on the environment and natural resources of
4 failure to manage single-use products appropriately, including the propensity
5 to create litter and the effects on human health from toxic substances that
6 originate in unwanted single-use products.

7 (5) Recommend methods or mechanisms for improving the lifecycle
8 management of single-use products in the State, including whether the State
9 should establish extended producer responsibility requirements for
10 manufacturers, distributors, or brand owners of single-use products.

11 (6) If extended producer responsibility requirements for single-use
12 products are recommended under subdivision (5) of this subsection,
13 recommend:

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

15 (B) A financial incentive for manufacturers, distributors, or brand
16 owners of single-use products to minimize the environmental impacts of the
17 products in Vermont. The environmental impacts considered shall include
18 review of the effect on climate change of the production, use, transport, and
19 recovery of single-use products.

20 (C) How to structure a requirement for manufacturers, distributors,
21 or brand owners to provide for or finance the collection, processing, and

1 recycling of single-use products using existing infrastructure in the
2 collection, processing, and recycling of products where feasible.

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

6 (e) Assistance. The Single-Use Products Working Group shall have the
7 administrative, technical, financial, and legal assistance of the Agency of
8 Natural Resources, the Department of Health, the Office of Legislative
9 Council, and the Joint Fiscal Office.

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

15 (g) Meetings.

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

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

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

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

1 (h) Compensation and reimbursement.

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

7 (2) Other members of the Working Group shall be entitled to per diem
8 compensation and reimbursement of expenses as permitted under 32 V.S.A. §
9 1010 for not more than six meetings.

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

12 Sec. 3. EFFECTIVE DATES

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

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

15 and that after passage the bill be amended to read: “An act relating to the
16 management of single-use products”

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1 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE