

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; Single-use Plastic Straws

10 § 6691. DEFINITIONS

11 As used in this subchapter:

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

13 (2) “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 (3) “Disability,” with respect to an individual, has the same meaning as
17 in 9 V.S.A. § 4501.

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

20 (5) “Plastic” means a synthetic material made from linking monomers
21 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 (6) “Secretary” means the Secretary of Natural Resources.

4 (7) “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 (8) “Store” means grocery store, supermarket, convenience store, liquor
8 store, pharmacy, drug store, or other retail establishment that has over 1,000
9 square feet of retail space and that provides carryout bags to its customers.

10 § 6692. PROHIBITION OF PRODUCTS

11 (a) No store or food service establishment shall provide a single-use plastic
12 carryout bag to a customer.

13 (b) No food service establishment shall sell or provide a single-use plastic
14 straw to a customer, except that a food service establishment shall provide a
15 single-use plastic straw to a person upon request.

16 § 6693. CIVIL PENALTIES; WARNING

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

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

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

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

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

3 § 6694. RULEMAKING

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

6 **Sec. 2. SINGLE-USE PRODUCTS WORKING GROUP; REPORT**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (1) a member of the Senate appointed by the Committee on
15 Committees;

16 (2) a member of the House appointed by the Speaker of the House;

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

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

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

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

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

6 (8) one representative of environmental advocacy groups located in the
7 State appointed by the Speaker of the House; and

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

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

11 (1) Evaluate the success of existing State and municipal requirements
12 for the management of unwanted single-use products, including a lifecycle
13 analysis of the management of single-use products from production to
14 ultimate disposition.

15 (2) Estimate the cost of management by the State and municipalities of
16 management of unwanted single-use products.

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

19 (4) Summarize the effects on the environment and natural resources of
20 failure to manage single-use products, including propensity to create litter,

1 effects on human health from toxic substances that originate in unwanted
2 single-use products.

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

7 (7) If extended producer responsibility requirements for single-use
8 products are recommended under subdivision (4) of this subsection,
9 recommend:

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

11 (B) A financial incentive for manufacturers, distributors, or brand
12 owners of single-use products to minimize the environmental impacts of the
13 products in Vermont. The environmental impacts considered will include
14 greenhouse gas emissions from the production, use, and recovery of single-
15 use products.

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

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

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

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

13 (g) Meetings.

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

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

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

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

20 (h) Compensation and reimbursement.

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

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

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

11 Sec. 3. EFFECTIVE DATE

12 This act shall take effect on July 1, 2019.

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

15

16

17 (Committee vote: _____)

18

19

Senator _____

20

FOR THE COMMITTEE