

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.

17 (3) “Expanded polystyrene” means blown polystyrene and expanded  
18 and extruded foams that are thermoplastic petrochemical materials utilizing a  
19 styrene monomer and processed by a number of techniques, including: fusion  
20 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 bag made of plastic,  
18           paper, or other material that has a thickness of less than 2.25 mils and that is  
19           not a reusable 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; FEE

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 carryout bag is  
16 provided to the consumer at a cost of not less than \$0.10 per bag.

17       (b) All fees 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 PRODUCT

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           (6) 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           (7) If extended producer responsibility requirements for single-use  
12           products are recommended under subdivision (4) 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 (8) 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