

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred
3 Senate Bill No. 227 entitled “An act relating to the provision of personal care
4 products by lodging establishments” respectfully reports that it has considered
5 the same and recommends that the bill be amended by striking out all after the
6 enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 10 V.S.A. chapter 159, subchapter 5 is amended to read:

8 Subchapter 5. Single-Use ~~Carryout Bags; Expanded Polystyrene Food Service~~
9 ~~Products; Single-use Plastic Straws; and Single-use Plastic Stirrers~~ Products

10 § 6691. DEFINITIONS

11 As used in this subchapter:

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

13 * * *

14 (6) “Plastic” means a synthetic material made from linking monomers
15 through a chemical reaction to create a polymer chain that can be molded or
16 extruded at high heat into various solid forms that retain their defined shapes
17 during their life cycle and after disposal, including material derived from either
18 petroleum or a biologically based polymer, such as corn or other plant sources.
19 “Plastic” includes all materials identified with resin identification codes 1 to 7.

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

4 * * *

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

6 * * *

7 (14) “Single-use product” or “single use” means a product that is
8 generally recognized by the public as an item to be discarded after one use.

9 * * *

10 (16) “Lodging establishment” has the same meaning as in 18 V.S.A.
11 § 4301.

12 (17) “Personal care product” means a product intended to be applied to
13 or used on the human body in the shower or bath or on any part of the human
14 body, including shampoo, hair conditioner, moisturizer, toothpaste, and bath
15 soap.

16 (18) “Small container” means a container made of glass, plastic, or
17 other material with less than six-ounce capacity that is intended to be
18 nonreusable by the end user.

19 * * *

1 § 6701. PERSONAL CARE PRODUCTS; SMALL PLASTIC CONTAINER;

2 LODGING ESTABLISHMENTS

3 (a) The purpose of this section is to encourage lodging establishments to
4 use bulk dispensers or personal care products to reduce waste and lower
5 operating costs, while still providing products for the health and safety of
6 guests.

7 (b) A lodging establishment shall not provide a personal care product in a
8 small container in a sleeping room accommodation, in a space within the
9 sleeping room accommodation, or within a bathroom used by the public or
10 guests beginning on:

11 (1) January 1, 2023, for a lodging establishment with more than
12 50 rooms; and

13 (2) January 1, 2024, for a lodging establishment with 50 rooms or fewer.

14 (c) A lodging establishment may provide a personal care product in a small
15 container to a person at no cost, upon request, at a place other than a sleeping
16 room accommodation, a space within the sleeping room accommodation, or
17 within a bathroom used by the public or guests.

18 (d) A lodging establishment that violates the requirements of this section
19 shall be subject to a civil penalty of not more than \$300.00. Upon a second or
20 subsequent violation, the lodging establishment shall be subject to a civil
21 penalty of not more than \$500.00.

1 (e) Beginning on July 1, 2023, the requirements of this section preempt and
2 supersede municipal bylaws regulating personal care products. A violation of
3 this subsection is enforceable in the same manner as preemption under section
4 6699 of this title.

5 Sec. 2. 4 V.S.A. § 1102 is amended to read:

6 § 1102. JUDICIAL BUREAU; JURISDICTION

7 (a) The Judicial Bureau is created within the Judicial Branch under the
8 supervision of the Supreme Court.

9 (b) The Judicial Bureau shall have jurisdiction of the following matters:

10 * * *

11 (6) Violations of 24 V.S.A. § 2201, relating to littering, burning of solid
12 waste, and illegal dumping.

13 * * *

14 (30) Violations of 10 V.S.A. § 6701, relating to the provision by lodging
15 establishments of personal use products in small plastic bottles.

16 (c) The Judicial Bureau shall not have jurisdiction over municipal parking
17 violations.

18 (d) Three hearing officers appointed by the Court Administrator shall
19 determine waiver penalties to be imposed for violations within the Judicial
20 Bureau's jurisdiction, except municipalities shall adopt full and waiver
21 penalties for civil ordinance violations pursuant to 24 V.S.A. § 1979. For

1 purposes of municipal violations, the issuing law enforcement officer shall
2 indicate the appropriate full and waiver penalty on the complaint.

3 **Sec. 3. AGENCY OF NATURAL RESOURCES; REPORT ON EXTENDED**
4 **PRODUCER RESPONSIBILITY FOR PACKAGING AND**
5 **PRINTED MATERIALS**

6 (a) On or before January 15, 2021, the Secretary of Natural Resources shall
7 submit to the Senate Committee on Natural Resources and Energy and the
8 House Committee on Natural Resources, Fish and Wildlife draft legislation
9 that would establish requirements under statute for an extended producer
10 responsibility program in the State for packaging and printed material. The
11 draft legislation shall include:

12 (1) A definition of packaging to include, at a minimum, material used to
13 market, contain, wrap, protect, and deliver consumer goods, including food and
14 beverages, personal care products, general consumer goods, and food service
15 ware.

16 (2) A definition of printed material to include at a minimum newspaper
17 and inserts, magazines and catalogs, direct mail, office paper, and telephone
18 directories.

19 (3) A definition of a producer of a product that clearly identifies the
20 manufacturer ultimately financially responsible for collection and recycling or
21 disposal of packaging and printed material.

1 (4) Exemptions for small producers and for product packaging that is
2 already covered under the Vermont beverage container redemption law and
3 Vermont’s other extended producer responsibility statutes.

4 (5) A definition of covered entities that includes at a minimum all
5 generators of printed material and packaging in the State.

6 (6) Provisions for the establishment of a nonprofit stewardship
7 organization or organizations of producers of packaging and printed material
8 and how to set, collect, and track fees for producers based on what they sell
9 into the State and how the fees will be used to support the State’s recycling
10 programs including payment of:

11 (A) 100 percent of the cost of collection, transport, and recycling of
12 packaging and printed material that is readily recyclable and sold into the
13 State;

14 (B) the costs of waste reduction and recycling education; and

15 (C) the cost of recycling infrastructure.

16 (7) A requirement that fees established by a stewardship organization
17 encourage packaging design that reduces its environmental impact by assessing
18 higher fees for packaging and printed material sold into the State that are more
19 harmful to the environment and lower fees for those that cause less
20 environmental harm. The environmental considerations that the Secretary may
21 address include recyclability of a product, recycled content in a product,

1 greenhouse gas emissions from production of a product, and the toxicity of a
2 product.

3 (8) Provisions of a stewardship plan to be submitted by a stewardship
4 organization describing how producers will provide for the collection,
5 transportation, and recycling of packaging and printed material using existing
6 infrastructure.

7 (9) Requirements for a stewardship organization to submit data obtained
8 from producers to the State including data regarding the amount of packaging
9 and printed material sold into the State, recovery rates of recyclables, fees
10 collected, and the entire cost of the program so that:

11 (A) there is transparency and accountability in assessing the success
12 of the program;

13 (B) there is consistency with internationally accepted standards; and

14 (C) there is sufficient information to evaluate the effectiveness of the
15 program.

16 (10) Performance goals to be set at or above existing recycling recovery
17 rates, with penalties if the goals are not met.

18 (11) Convenience provisions that at a minimum meet the convenience
19 requirements of 2012 Acts and Resolves No. 148.

20 (12) A recommend goal for the percentage reduction in the amount of
21 waste generated State-wide from single-use products. The recommendation

1 shall be based on review of similar percentage reduction goals in other states,
2 such as California.

3 (13) A recommended goal for the percentage of post-consumer recycled
4 content in packaging, including recommendations for the reduction of plastic
5 packaging. The recommendation shall be based on similar percentage goals
6 for post-consumer content in other states, such as Washington state.

7 (14) Roles and responsibilities of the Agency of Natural Resources.

8 (15) A method by which producers can protect themselves against
9 producers that fail to register with a program. These methods may include a
10 private right of action, requirements that online retailers of packaging be
11 responsible for paying into a fund in support of the program if the products
12 they sell are from producers who are not part of the stewardship program, or
13 other methods to ensure fairness and full compliance.

14 (16) A recommended method for coordinating among other northeastern
15 states an extended producer responsibility program or other provisions for the
16 management and disposition of packaging and printed material.

17 (b) The draft bill required under subsection (a) shall not include proposed
18 changes to the beverage container redemption law under 10 V.S.A. chapter 53.

19 Sec. 4. EFFECTIVE DATE

20 This act shall take effect on July 1, 2020.

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(Committee vote: _____)

Senator _____

FOR THE COMMITTEE