

ACT 69: An Act Relating to the Management of Single-use Products
Overview of Requirements

SINGLE-USE PLASTIC CARRYOUT BAGS: 10 V.S.A. § 6692

- Prohibits a store or food establishment from providing single-use plastic carryout bags to a customer.

SINGLE-USE RECYCLABLE PAPER CARRYOUT BAGS: 10 V.S.A. § 6693

- Provides that a store or food service establishment may provide a single-use recyclable paper carryout bag for a fee of not less than 10 cents per bag. The store or food service establishment retains all monies collected.

SINGLE-USE PLASTIC STRAWS: 10 V.S.A. § 6694

- Prohibits a food service establishment from selling or providing a single-use plastic straw to a customer, except an establishment may provide a single-use plastic straw upon request.
 - Exempts hospitals, nursing homes, residential care homes, and assisted living and independent living homes.
 - The public accommodation act applies if a straw is needed to accommodate a disability or condition.

SINGLE-USE PLASTIC STIRRERS: 10 V.S.A. § 6695

- Prohibits a food service establishment from providing a single-use plastic stirrer to a customer.

EXPANDED POLYSTYRENE FOOD SERVICE PRODUCTS: 10 V.S.A. § 6696

- Prohibits the sale or offer for sale of an expanded polystyrene food service product (EPFSP) in the State.
- Prohibits a store or food service establishment from providing food or beverages in EPFSPs.
 - A person may distribute food or beverages packed in an EPFSP out of State.

PENALTIES: 10 V.S.A. § 6697

- For a first offense, the person, store, or establishment receives a written warning.
- For a second offense, a civil penalty of \$25.00.
- For a third or subsequent offense, a civil penalty of \$100.00.

INVENTORY EXCEPTION: 10 V.S.A. § 6698

- A store or food service is not subject to a penalty if the store or food service establishment:
 - Purchased the carryout bag, single-use plastic straw, single-use stirrer, or EPFSP before 5/15/19; and
 - Provides the bag, straw, stirrer, or EPFSP to a consumer on or before 7/1/21.

APPLICATION OF MUNICIPAL LAW; PREEMPTION: 10 V.S.A. § 6699

- Statutory requirements occupy the field and municipal law adopted before 7/1/20 addressing carryout bags, single-use plastic straws, single-use stirrers, or EPFSPs is preempted.

RULEMAKING: 10 V.S.A. § 6700

- ANR may adopt rules to implement the requirements for single-use products.

TIMELINE

- The requirements for single-use bags, straws, and stirrers and for EPFSP take effect 7/1/20.

DEFINITIONS: 10 V.S.A. § 6691

“Carryout bag” means a bag provided by a store or food service establishment to a customer at the point of sale for the purpose of transporting groceries or retail goods, except that a “carryout bag” shall not mean:

- A. a bag made of paper when the paper has a basis weight of 30 pounds or less;
- B. a bag provided by a pharmacy to a customer purchasing a prescription medication;
- C. a bag used by customers inside a store to:
 - i. package loose items, such as fruits, vegetables, nuts, coffee, grains, bakery goods, candy, greeting cards, or small hardware items;
 - ii. contain or wrap frozen foods, meat, or fish; or
 - iii. contain or wrap flowers;
- D. a laundry, dry cleaning, or garment bag, including bags provided by a store to protect large garments, such as suits or dresses.

“Expanded polystyrene food service product” means

- A. a product made of expanded polystyrene that is:
 - i. used for selling or providing food or beverages to be used once for eating or drinking; or
 - ii. generally recognized by the public as an item to be discarded after one use.
- B. “Expanded polystyrene food service product” shall include:
 - i. food containers;
 - ii. plates;
 - iii. hot and cold beverage cups;
 - iv. trays; and
 - v. cartons for eggs or other food.
- C. “Expanded polystyrene food service product” shall not include:
 - i. food or beverages that have been packaged in expanded polystyrene outside the State before receipt by a food service establishment or store;
 - ii. a product made of expanded polystyrene used to package raw, uncooked, or butchered meat, fish, poultry, or seafood; or
 - iii. nonfoam polystyrene food service products.

“Food service establishment” 18 V.S.A. § 4301, entities that prepare, serve, and sell food to the public, including restaurants, temporary food vendors, caterers, mobile food units, and limited operations as defined in rule.

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

“Recyclable paper carryout bag” means a carryout bag that is made of paper and that is recyclable.

“Reusable carryout bag” means a carryout bag that is designed and manufactured for multiple uses and is:

- A. made of cloth or other machine-washable fabric that has stitched handles; or
- B. a polypropylene bag that has stitched handles.

“Single-use plastic carryout bag” means a carryout bag that is:

- A. made of plastic;
- B. a single-use product; and
- C. not a reusable carryout bag.

“Single-use plastic stirrer” means a device that is:

- A. used to mix beverages;
- B. made predominantly of plastic; and
- C. a single-use product.

“Single-use plastic straw” means a tube made of plastic that is:

- A. used to transfer liquid from a container to the mouth of a person drinking the liquid; and
- B. is a single-use product.

“Single-use product” or **“single use”** means a product generally recognized by the public as an item to be discarded after one use.

“Store” means a grocery store, supermarket, convenience store, liquor store, drycleaner, pharmacy, drug store, or other retail establishment that provides carryout bags to its customers.