

1 S.247

2 Introduced by Senators Watson, Harrison, Lyons, Major and White

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; environmental health; solid waste;

6 microplastics; medical solution containers; medical tubing; chemical  
7 conversion

8 Statement of purpose of bill as introduced: This bill proposes to prohibit the  
9 chemical conversion of plastic in the State. The bill also would, beginning on  
10 January 1, 2030, prohibit a person or entity from manufacturing, selling, or  
11 distributing in commerce a medical solution container made with intentionally  
12 added di(2-ethylhexyl) phthalate (DEHP). In addition, beginning on January 1,  
13 2035, the bill would prohibit a person or entity from manufacturing, selling, or  
14 distributing in commerce medical tubing made with intentionally added DEHP.

15 Beginning on January 1, 2029, the bill would prohibit a person from selling,  
16 offering for sale, or distributing in commerce a personal care product or  
17 designated cleaning product containing a plastic microbead.

18 An act relating to the regulation of the disposal of plastics and the sale of  
19 consumer products containing microplastics

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 10 V.S.A. § 6621 is added to read:

3 § 6621. USE OF CHEMICAL CONVERSION TECHNOLOGIES

4 (a) As used in this section:

5 (1) “Chemical conversion technologies” means using plastic inputs:

6 (A) as a fuel or fuel substitute or the general use of plastic in energy  
7 production; or

8 (B) in the use of the following processes:

9 (i) gasification;

10 (ii) pyrolysis;

11 (iii) solvolysis;

12 (iv) hydropyrolysis;

13 (v) methanolysis;

14 (vi) glycolysis;

15 (vii) enzymatic breakdown;

16 (viii) solvent-based purification;

17 (ix) combustion; or

18 (x) any other process used to transform plastic or plastic-derived

19 materials into plastic monomers, waxes, lubricants, chemical feedstocks, crude

20 oil, diesel, gasoline, or home heating oil.

1                   (2) “Facility” is a facility, as that term is defined in section 6602 of this  
2                   chapter, operated for the purpose of performing, facilitating, aiding, or  
3                   otherwise engaging in chemical conversion.

4                   (3) “Plastic” means a synthetic material made from linking monomers  
5                   through a chemical reaction to create a polymer chain that can be molded or  
6                   extruded at high heat into various solid forms that retain their defined shapes  
7                   during their life cycle and after disposal, including material derived from either  
8                   petroleum or a biologically based polymer, such as corn or other plant sources.

9                   (4) “Recycling” means any process in which materials are collected,  
10                  separated, or processed and returned to the marketplace in the form of raw  
11                  materials to make new products. “Recycling” does not include chemical  
12                  conversion.

13                  (b) A person shall not use or operate chemical conversion technologies in  
14                  the State.

15                  (c)(1) A person shall not build, construct, establish, or operate any facility  
16                  in the State that uses chemical conversion technologies.

17                  (2) The prohibition in this subsection applies to the modification or  
18                  conversion of any existing certified solid waste facility in the State into a  
19                  facility that uses a chemical conversion technology.

20                  (d) The State of Vermont shall not provide subsidies, grants, tax breaks, or  
21                  any other financial or nonfinancial incentives to support the development of

1       facilities that use chemical conversion technologies or programs focused on  
2       chemical conversion technologies.

3       Sec. 2. 18 V.S.A. §§ 1514 and 1515 are added to read:

4       § 1514. MEDICAL DEVICES; DEHP

5       (a) As used in this section:

6           (1) “DEHP” means di(2-ethylhexyl) phthalate.

7           (2) “Intentionally added DEHP” means DEHP that a manufacturer has  
8       intentionally added to an intravenous or other specified medical solution  
9       container or medical tubing product and that has a functional or technical  
10      effect on the product.

11       (3) “Medical solution container” means a container used to house  
12      medicine, fluid, or nutrition therapy that is administered intravenously or  
13      through the mouth, nose, stomach, or intestines to patients in a hospital,  
14      outpatient, or other health care facility.

15       (4) “Medical tubing” means any tubing used to administer fluids,  
16      medication, nutrients, or oxygen, including:

17           (A) intravenous tubing used to administer fluids, medication, or  
18      parenteral nutrition directly into the bloodstream of an adult, child, or infant;  
19           (B) medical tubing used to deliver enteral nutrition or medication to  
20      the digestive system for an adult, child, or infant; or

1                   (C) respiratory tubing and nasal cannulas delivering oxygen to an  
2                   infant or child.

3                   (5) “Ortho-phthalates” means a class of chemicals that are esters of  
4                   ortho-phthalic acid.

5                   (6) “Unintentionally added DEHP” means DEHP in an intravenous or  
6                   specified medical solution container or medical tubing product that is not used  
7                   for a functional or technical effect on the product.

8                   (b) Beginning on January 1, 2030, no person shall manufacture, sell, or  
9                   distribute in commerce in Vermont a medical solution container made with  
10                   intentionally added DEHP.

11                   (c) Beginning on January 1, 2035, no person shall manufacture, sell, or  
12                   distribute in commerce in Vermont medical tubing made with intentionally  
13                   added DEHP.

14                   (d) No person shall replace DEHP prohibited in a product under this  
15                   section with other ortho-phthalates.

16                   (e) A medical solution container or medical tubing product shall not have  
17                   unintentionally added DEHP present in a quantity at or above 0.1 percent by  
18                   weight.

1                   (f) The following are exempt from the requirements of this section:

2                   (1) human blood collection and storage bags; and

3                   (2) apheresis and cell therapy blood kits and bags, including integral  
4                   tubing.

5                   § 1515. DESIGNATED CLEANING PRODUCTS; PERSONAL CARE  
6                   PRODUCTS; MICROBEAD PROHIBITION

7                   (a) As used in this section

8                   (1) “Air care product” means a chemically formulated consumer product  
9                   labeled to indicate that the purpose of the product is to enhance or condition  
10                   the indoor environment by eliminating unpleasant odors or freshening the air.

11                   (2) “Automotive product” means a chemically formulated consumer  
12                   product labeled to indicate that the purpose of the product is to maintain the  
13                   appearance of a motor vehicle, as that term is defined in 23 V.S.A. § 4,  
14                   including products for washing, waxing, polishing, cleaning, or treating the  
15                   exterior or interior surfaces of motor vehicles. “Automotive product” does not  
16                   mean automotive paint or paint repair products.

17                   (3) “Chemically formulated consumer product” means a product,  
18                   excluding home appliances, that is manufactured from chemicals to be used by  
19                   household, institutional, or commercial consumers without further processing  
20                   for specific purposes. For the purposes of this subdivision, dilution by the user  
21                   is not considered further processing.

1                   (4) “Designated cleaning product” means a finished product that is an  
2                   air care product, automotive product, general cleaning product, or a polish or  
3                   floor maintenance product used primarily for janitorial, domestic, or  
4                   institutional cleaning purposes. “Designated cleaning product” does not mean  
5                   any of the following:

6                   (A) food, drugs, or cosmetics, including personal care products; or  
7                   (B) industrial products specifically manufactured for, and exclusively  
8                   used in, the following:

9 (i) oil and gas production;

10 (ii) steel production;

11 (iii) heavy industry manufacturing;

12 (iv) industrial water treatment;

15 (vi) food and beverage processing and packag

16 (vii) other industrial manufacturing processes

(5) "General cleaning product" means a soap, detergent

17                   (5) “General cleaning product” means a soap, detergent, or other  
18                   chemically formulated consumer product labeled to indicate that the purpose of  
19                   the product is to clean, disinfect, or otherwise care for fabric, dishes, or other  
20                   wares; surfaces, including floors, furniture, countertops, showers, and baths; or  
21                   other hard surfaces, such as stovetops, microwaves, and other appliances.

1                   (6) “Personal care product” means an article intended to be rubbed,  
2                   poured, sprinkled, or sprayed on; introduced to; or otherwise applied to the  
3                   human body or any part thereof for cleansing, beautifying, promoting  
4                   attractiveness, or altering the appearance, and an article intended for use as a  
5                   component of that type of article. “Personal care product” does not include a  
6                   prescription drug, as that term is defined in 21 U.S.C. § 321.

7                   (7) “Plastic microbead” means an intentionally added solid plastic  
8                   particle measuring five millimeters or less in every dimension.

9                   (8) “Polish or floor maintenance product” means a chemically  
10                  formulated consumer product, such as polish, wax, or a restorer, labeled to  
11                  indicate that the purpose of the product is to polish, protect, buff, condition,  
12                  temporarily seal, or maintain furniture, floors, metal, leather, or other surfaces.

13                  (b) Beginning on January 1, 2029, no person shall sell, offer for sale,  
14                  distribute, or offer for promotional purposes in this State:

15                  (1) a personal care product containing plastic microbeads that are used  
16                  as an abrasive to clean, exfoliate, or polish, in a rinse-off or non-rinse-off  
17                  product, including toothpaste and sunscreen; or

18                  (2) a designated cleaning product containing plastic microbeads that are  
19                  used as an abrasive to clean, exfoliate, or polish.

20                  Sec. 3. EFFECTIVE DATE

21                  This act shall take effect on July 1, 2027.