

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) hydrolysis;

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;

13 (v) industrial textile maintenance and processing other than
14 industrial laundering;

15 (vi) food and beverage processing and packaging; or

16 (vii) other industrial manufacturing processes.

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.