

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Natural Resources, Fish, and Wildlife to which was  
3 referred Senate Bill No. 113 entitled “An act relating to the management of  
4 single-use products” respectfully reports that it has considered the same and  
5 recommends that the House propose to the Senate that the bill be amended by  
6 striking out all after the enacting clause and inserting in lieu thereof the  
7 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 Food  
10 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, except that a “carryout bag” shall not mean a bag  
17 provided by a pharmacy to a customer purchasing a prescription medication.

18 (3) “Expanded polystyrene” means blown polystyrene and expanded  
19 and extruded foams that are thermoplastic petrochemical materials utilizing a  
20 styrene monomer and processed by a number of techniques, including: fusion  
21 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) “Point-of-sale” means a check-out stand, cash register, or other point  
8           of departure from a store or food service establishment, including the location  
9           where remotely ordered food or products are delivered to a purchaser.

10           (8) “Reusable carryout bag” means a carryout bag that is specifically

11           (A) made of cloth or other machine-washable fabric that has stitched  
12           handles; or

13           (B) a polypropylene bag that has stitched handles.

14           (9) “Secretary” means the Secretary of Natural Resources.

15           (10) “Single-use paper carryout bag” means a carryout bag made of  
16           paper.

17           (11) “Single-use plastic carryout bag” means a carryout bag made of  
18           plastic that has a thickness of less than 4 mils and that is not a reusable  
19           carryout bag.

20           (12) “Single-use plastic stirrer” means a device that is used to mix  
21           beverages, intended for only single-use, and made predominantly of plastic

1 derived from either petroleum or a biologically based polymer, such as corn or  
2 other plant sources.

3 (13) “Single-use plastic straw” means a tube made of plastic that is:

4 (A) used to transfer liquid from a container to the mouth of a person  
5 drinking the liquid;

6 (B) designed and intended to be used only once; and

7 (C) generally recognized by the public as an item that is to be  
8 discarded after one use.

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

12 § 6692. SINGLE-USE PLASTIC CARRYOUT BAGS; PROHIBITION

13 A store or food service establishment shall not provide a single-use plastic  
14 carryout bag to a customer.

15 § 6693. SINGLE-USE PAPER CARRYOUT BAG

16 (a)(1) Before July 1, 2021, a store or food service establishment may  
17 provide a single-use paper carryout bag at the point of sale, if the single-use  
18 paper carryout bag is provided to the consumer for a charge of not less  
19 than \$0.10 per bag.

20 (2) All monies collected by a store or food service establishment under  
21 this subsection for provision of a single-use paper carryout bag shall be

1 retained by the store or food service establishment.

2 (b) Beginning on July 1, 2021, a store or food service establishment shall  
3 not provide a single-use paper carryout bag to a customer.

4 § 6694. SINGLE-USE PLASTIC STRAWS

5 (a) A food service establishment shall not sell or provide a single-use  
6 plastic straw to a customer, except that a food service establishment may  
7 provide a straw to a person upon request.

8 (b) The prohibition on sale or provision of a single-use plastic straw under  
9 subsection (a) of this section shall not apply to:

10 (1) a hospital licensed under 18 V.S.A. chapter 43;

11 (2) a nursing home, residential care home, assisted living residence,  
12 home for the terminally ill, or therapeutic community, as those terms are  
13 defined in 33 V.S.A. chapter 71; or

14 (3) an independent living facility as that term is defined in 32 V.S.A.  
15 chapter 225.

16 § 6695. SINGLE-USE PLASTIC STIRRERS

17 A food service establishment shall not sell or provide a single-use plastic  
18 stirrer to a customer.

19 § 6696. EXPANDED POLYSTYRENE FOOD SERVICE PRODUCTS

20 (a) A person shall not sell or offer for sale in the State an expanded  
21 polystyrene food service product.

1        (b) A store or food service establishment shall not sell or provide food or  
2        beverages in an expanded polystyrene food service product.

3        (c) This section shall not prohibit a person from storing or packaging a  
4        food or beverage in an expanded polystyrene food service product for  
5        distribution out of State.

6        § 6697. CIVIL PENALTIES; WARNING

7        (a) A person, store, or food service establishment that violates the  
8        requirements of this subchapter shall:

9            (1) receive a written warning for a first offense;

10          (2) be subject to a civil penalty of \$25.00 for a second offense; and

11          (3) be subject to a civil penalty of \$100.00 for a third or subsequent  
12          offense.

13          (b) For the purposes of enforcement under this subchapter, an offense shall  
14          be each day a person, store, or food service establishment is violating the  
15          requirement of this subchapter.

16        § 6698. RULEMAKING

17          The Secretary may adopt rules to implement the requirements of this  
18          subchapter.

19        § 6699. APPLICATION TO MUNICIPAL BYLAWS, ORDINANCES, OR

20        CHARTERS; PREEMPTION

21          (a) The General Assembly finds that the requirements of this chapter are of

1 statewide interest and shall be applied uniformly in the State and shall occupy  
2 the entire field of regulation of single-use plastic carryout bags, single-use  
3 paper carryout bags, single-use plastic straws, single-use plastic stirrers, and  
4 expanded polystyrene food service products.

5 (b) A municipal ordinance, bylaw, or charter adopted or enacted before  
6 July 1, 2020 that regulates or addresses the use, sale, or provision of single-use  
7 plastic carryout bags, single-use paper carryout bags, single-use plastic straws,  
8 single-use plastic stirrers, or expanded polystyrene food service products is  
9 preempted by the requirements of this subchapter and a municipality shall not  
10 enforce or otherwise implement the ordinance, bylaw, or charter.

11 Sec. 2. SINGLE-USE PRODUCTS WORKING GROUP; REPORT

12 (a) Definitions. As used in this section:

13 (1) “Carryout bag” means a bag provided by a store or food service  
14 establishment to a customer at the point of sale for the purpose of carrying  
15 groceries or retail goods.

16 (2) “Disposable plastic food service ware” means containers, plates,  
17 clamshells, serving trays, meat and vegetable trays, hot and cold beverage  
18 cups, **cutlery**, and **other** utensils that are made of plastic or plastic-coated  
19 paper, including products marketed as biodegradable products but a portion of  
20 the product is not compostable.

21 (3) “Expanded polystyrene food service product” means a product made

1 of expanded polystyrene that is:

2 (A) used for selling or providing food or beverages and intended by  
3 the manufacturer to be used once for eating or drinking; or

4 (B) generally recognized by the public as an item to be discarded  
5 after one use.

6 (4) “Extended producer responsibility” means a requirement for a  
7 producer of a product to provide for and finance the collection, transportation,  
8 reuse, recycling, processing, and final management of the product.

9 (5) “Food service establishment” has the same meaning as in 18 V.S.A.  
10 § 4301.

11 (6) “Packaging” means materials that are used for the containment,  
12 protection, handling, delivery, and presentation of goods sold or delivered in  
13 Vermont.

14 (7) “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.

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

21 (9) “Printed materials” means material that is not packaging, but is

1 printed with text or graphics as a medium for communicating information,  
2 including telephone books but not including other bound reference books,  
3 bound literary books, or bound textbooks.

4 (10) “Single-use” means a product that is designed and intended to be  
5 used only once and is generally recognized by the public as an item that is to  
6 be discarded after one use.

7 (11) “Single-use products” means single-use carryout bags, single-use  
8 packaging, single-use disposable plastic food service ware, expanded  
9 polystyrene food service products, printed materials, and other single-use  
10 plastics or single-use products that are provided to consumers by stores, food  
11 service establishments, or other retailers.

12 (12) “Store” means a grocery store, supermarket, convenience store,  
13 liquor store, pharmacy, drycleaner, drug store, or other retail establishment.

14 (13) “Unwanted” means when a person in possession of a product  
15 intends to abandon or discard the product.

16 (b) Creation. There is created the Single-Use Products Working Group to:

17 (1) evaluate current State and municipal policy and requirements for the  
18 management of unwanted single-use products; and

19 (2) recommend to the Vermont General Assembly policy or  
20 requirements that the State should enact to **reduce the use of single-use**  
21 **products, reduce the environmental impact of single-use products,** improve

1 statewide management of single-use products, divert single-use products from  
2 disposal in landfills, and prevent contamination of natural resources by  
3 discarded single-use products.

4 (c) Membership. The Single-Use Products Working Group shall be  
5 composed of the following members:

6 (1) a member of the Senate appointed by the Committee on  
7 Committees;

8 (2) a member of the House of Representatives appointed by the  
9 Speaker of the House;

10 (3) the Secretary of Natural Resources or designee;

11 (4) an owner of a single-stream materials recovery facility located in  
12 Vermont appointed by the Governor;

13 (5) two representatives from solid waste management entities in the  
14 State appointed by the Committee on Committees;

15 (6) one representative from the Vermont League of Cities and Towns  
16 appointed by the Speaker of the House;

17 (7) one representative of an association or group representing  
18 manufacturers or distributors of single-use products appointed by the  
19 Governor;

20 (8) one representative of an environmental advocacy group located in  
21 the State appointed by the Speaker of the House; and

1           (9) two representatives of stores or food service establishments in the  
2           State appointed by the Committee on Committees.

3           (d) Powers and duties. The Single-Use Products Working Group shall:

4           (1) Evaluate the success of existing State and municipal requirements  
5           for the management of unwanted single-use products.

6           (2) Estimate the effects on landfill capacity of single-use products that  
7           can be recycled, but are currently being disposed.

8           (3) Recommend methods or mechanisms for the effects on landfill  
9           capacity of single-use products that can be recycled, but are currently being  
10           disposed improving the management of single-use products in the State,  
11           including whether the State should establish extended producer responsibility  
12           or similar requirements for manufacturers, distributors, or brand owners of  
13           single-use products.

14           (4) If extended producer responsibility or similar requirements for  
15           single-use products are recommended under subdivision (3) of this  
16           subsection, recommend:

17           (A) The single-use products to be included under the requirements.

18           (B) A financial incentive for manufacturers, distributors, or brand  
19           owners of single-use products to minimize the environmental impacts of the  
20           products in Vermont. The environmental impacts considered shall include  
21           review of the effect on climate change of the production, use, transport, and

1 recovery of single-use products.

2 (C) How to structure a requirement for manufacturers, distributors,  
3 or brand owners to provide for or finance the collection, processing, and  
4 recycling of single-use products using existing infrastructure in the  
5 collection, processing, and recycling of products where feasible.

6 (5) An estimate of the costs and benefits of any recommended method  
7 or mechanism for improving the management of single-use products in the  
8 State.

9 (e) Assistance. The Single-Use Products Working Group shall have the  
10 administrative, technical, financial, and legal assistance of the Agency of  
11 Natural Resources, the Department of Health, the Office of Legislative  
12 Council, and the Joint Fiscal Office.

13 (f) Report. On or before December 1, 2019, the Single-Use Products  
14 Working Group shall submit to the Senate Committee on Natural Resources  
15 and Energy and the House Committee on Natural Resources, Fish, and  
16 Wildlife the findings and recommendations required under subsection (d) of  
17 this section.

18 (g) Meetings.

19 (1) The Office of Legislative Council shall call the first meeting of the  
20 Single-Use Products Working Group to occur on or before July 1, 2019.

21 (2) The Committee shall select a chair from among its members at the

1 first meeting.

2 (3) A majority of the membership shall constitute a quorum.

3 (4) The Working Group shall cease to exist on February 1, 2020.

4 (h) Compensation and reimbursement.

5 (1) For attendance at meetings during adjournment of the General  
6 Assembly, a legislative member of the Working Group serving in his or her  
7 capacity as a legislator shall be entitled to per diem compensation and  
8 reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than six  
9 meetings.

10 (2) Other members of the Working Group shall be entitled to per diem  
11 compensation and reimbursement of expenses as permitted under 32 V.S.A.  
12 § 1010 for not more than six meetings.

13 (3) Payments to members of the Working Group authorized under this  
14 subsection shall be made from monies appropriated to the General Assembly.

15 Sec. 3. EFFECTIVE DATES

16 (a) This section and Sec. 2 (working group) shall take effect on passage.

17 (b) Sec. 1 (single-use products) shall take effect July 1, 2020.

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4 (Committee vote: \_\_\_\_\_)

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6

Representative \_\_\_\_\_

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FOR THE COMMITTEE