

H.145

Introduced by Representatives Edwards of Brattleboro, Donovan of Burlington
and Sharpe of Bristol

Referred to Committee on

Date:

Subject: Conservation and development; solid waste; carryout bags

Statement of purpose: This bill proposes to establish a fee of \$0.05 for each
disposable carryout bag used by a person for the purpose of carrying goods,
food, or other products from a retail establishment.

An act relating to the use of disposable carryout bags

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

Sec. 1. 32 V.S.A. chapter 234 is added to read:

CHAPTER 234. USE OF DISPOSABLE CARRYOUT BAGS

§ 9851. DEFINITIONS

As used in this chapter:

(1)(A) "Disposable carryout bag" means a bag composed of plastic,
paper, or other single-use material provided by a retail establishment to a
consumer at the time of sale.

(B) "Disposable carryout bag" does not mean:

1 (i) a bag in which loose produce, nuts, fruits, meat, fish, flowers,
2 plants, prepared foods, baked goods, candy, small hardware items, or similar
3 items are placed by the customer to deliver such items to the point-of-sale area
4 of a store;

5 (ii) a bag provided by pharmacists to contain prescription drugs;

6 (iii) a bag used to deliver newspapers or drycleaning;

7 (iv) bags sold in packages containing multiple bags and intended
8 for use for garbage, pet waste, or yard waste.

9 (2) "Retail establishment" means a place where goods, food, or other
10 products are offered to the public for sale, including supermarkets, grocery
11 stores, convenience stores, retail merchandise stores, and restaurants.

12 (3) "Reusable bag" means a bag designed and manufactured for multiple
13 reuse composed of:

14 (A) cloth or machine-washable fabric; or

15 (B) durable plastic that is at least 2.25 mils thick.

16 § 9852. DISPOSABLE CARRYOUT BAG; FEE

17 (a) A person shall pay at the time of purchase from a retail establishment a
18 fee of \$0.10 for each plastic carryout bag used by the person for the purpose of
19 carrying goods, food, or other products from the retail establishment.

1 (b)(1) A retail establishment shall retain as a processing fee \$0.01 of each
2 \$0.10 fee collected under subsection (a) of this section for a plastic carryout
3 bag provided to a person at the time of purchase.

4 (2) The amount of each fee remaining after retention of the retail
5 establishment processing fee shall be paid to the department of taxes monthly
6 on or before the 25th day of the month (23rd of February) following the month
7 in which the fee is collected.

8 (3) Until July 1, 2014, the department of taxes shall deposit the fees
9 collected under this section into the general fund.

10 (4) Beginning July 1, 2014, the department of taxes shall deposit fees
11 collected under this section into the waste management assistance fund for
12 disbursements from the solid waste management assistance account.

13 (c) The fees collected by a retail establishment under this section shall not
14 be considered taxable income or revenue under chapter 151 of this title and
15 shall not be subject to the sales and use tax of chapter 233 or the meals and
16 rooms tax of chapter 225 of this title.

17 § 9853. PENALTY

18 A person who violates a provision of this chapter shall be fined not more
19 than \$500.00 for each violation.

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6 This act shall take effect on July 1, 2011.