



1 "Covered materials and products" means, regardless of  
2 recyclability:

3 (1) Any part of a package or container, including material  
4 that is used for the containment, protection,  
5 handling, delivery, and presentation of a product that  
6 is sold, offered for sale, imported, or distributed in  
7 the State;

8 (2) Paper products; and

9 (3) Primary, secondary, and tertiary packaging intended  
10 for the consumer market; service packaging designed  
11 and intended to be filled at the point of sale,  
12 including carry-out bags, bulk goods bags, packaging,  
13 and take-out and home delivery food service  
14 prescription bottles; paper sold as a product; printed  
15 materials; and beverage containers.

16 "Covered materials and products" shall not include any literary,  
17 text, or reference bound book.

18 "Department" means the department of health.

19 "Producer" means any person that manufactures a covered  
20 material or product under the person's own name or brand and  
21 either:



1           (1) Sells, offers for sale, distributes, or imports a  
2           covered material or product as owner or licensee of a  
3           trademark or brand under which a covered material or  
4           product is sold or distributed in the State; or

5           (2) Sells, offers for sale, or distributes a covered  
6           material or product in the State.

7 "Producer" shall not include a local government.

8           "Stewardship organization" means a nonprofit organization  
9           created by a group of producers to implement a stewardship plan.

10          "Stewardship plan" means a covered materials and products  
11          stewardship plan developed by a producer or stewardship  
12          organization in accordance with this section.

13          § -2 Stewardship plan required. (a) On or before  
14          January 1, 2022, each producer shall, individually or as part of  
15          a stewardship organization, submit a stewardship plan to the  
16          department for review and approval.

17          (b) On or after June 1, 2022, a producer may not sell,  
18          offer for sale, distribute, or import for sale or distribution  
19          covered materials or products for use in the State unless the  
20          producer, individually or as part of a stewardship organization,  
21          has an approved stewardship plan on file with the department.



- 1 (c) This provision does not apply to a producer that:
- 2 (1) Generated less than \$1,000,000 in gross revenue during
- 3 the immediately preceding calendar year;
- 4 (2) Sold, offered for sale, or distributed for sale in the
- 5 State during the immediately preceding calendar year
- 6 less than one ton of covered materials or products; or
- 7 (3) Conducted all of the covered materials or products
- 8 sales in the State during the immediately preceding
- 9 calendar year at a single point of retail sale that
- 10 was not supplied or operated as part of a franchise;
- 11 and on request by the department, provides to the
- 12 department sufficient information to demonstrate that
- 13 the producer meets the conditions of this section.

14 **§ -3 Stewardship plan requirements.** A stewardship plan

15 made pursuant to this chapter shall:

- 16 (1) List the producers and brands covered by the
- 17 stewardship plan, including:
- 18 (A) Each participating producer and the stewardship
- 19 organization's contact information; and
- 20 (B) Each brand of covered materials and products
- 21 covered by the stewardship plan;



- 1           (2) Include performance goals for a minimum post-consumer  
2           recycled material content rate and a minimum recycling  
3           rate for covered materials or products that includes,  
4           at a minimum, a goal for:
- 5           (A) All single-use packaging and products to be at  
6           least seventy-five per cent post-consumer content  
7           by June 1, 2025;
- 8           (B) All single-use packaging and products to be  
9           readily recyclable or compostable by June 1,  
10           2028; and
- 11           (C) All single-use plastic packaging and single-use  
12           plastic service ware to be reduced, to the  
13           maximum extent practicable, and by not less than  
14           twenty-five per cent by June 1, 2030;
- 15           (3) Describe, in accordance with section -4, the  
16           financing method that will be used to implement the  
17           stewardship plan;
- 18           (4) Describe how the performance goals under paragraph (2)  
19           of this subsection will be met or exceeded;
- 20           (5) Describe how stakeholder comments were considered in  
21           the development of the stewardship plan;



- 1           (6) Describe how staffing and administering the  
2           implementation of the stewardship plan will be  
3           handled;
- 4           (7) Describe how producers participating in a stewardship  
5           plan will work together to reduce packaging through  
6           product design and program innovations;
- 7           (8) Describe the actions taken or that will be taken for  
8           public outreach, education, and communication, taking  
9           into account that public outreach, education, and  
10          communication shall:
- 11          (A) Promote the proper end-of-life management of  
12          covered materials and products, including  
13          beverage containers;
- 14          (B) Provide information on how to prevent litter of  
15          covered materials and products, including  
16          beverage containers; and
- 17          (C) Provide recycling and composting instructions to  
18          the extent practicable;
- 19          (9) Be consistent statewide, taking into account  
20          differences among local laws and processing  
21          capabilities;



- 1       (10) Be easy to understand, easily accessible, and provide
- 2             for outreach and education that are designed to
- 3             achieve covered materials and products management
- 4             goals and requirements, including the prevention of
- 5             contamination of covered materials and products;
- 6       (11) Be coordinated across programs to avoid confusion for
- 7             consumers;
- 8       (12) Be developed in consultation with local governments
- 9             and other stakeholders; and
- 10       (13) Include any other information that is required by the
- 11            department.

12       **§ -4 Stewardship plan financing.** The financing method to  
13 be used by a producer or stewardship organization to implement a  
14 stewardship plan under this chapter shall:

- 15       (1) Provide the method for reimbursing local governments
- 16             for costs associated with collecting, transporting,
- 17             and processing covered materials and products that are
- 18             listed in the stewardship plan;
- 19       (2) Establish a fee structure for participating producers
- 20             that is set in a manner to cover costs associated
- 21             with:



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- 1           (A) Implementing the stewardship plan, including the  
2           administrative costs of a producer or stewardship  
3           organization;
- 4           (B) Reimbursing local governments for costs in  
5           accordance with section -5;
- 6           (C) The administration, review, oversight, and  
7           enforcement of the stewardship plan by the  
8           department;
- 9           (D) Describing the incentives to encourage  
10          participating producers to engage in waste  
11          reduction and recycling activities;
- 12          (E) Describing the incentives to encourage  
13          participating producers to engage in waste  
14          reduction and recycling activities;
- 15          (F) Describing the disincentives to discourage  
16          designs or practices that increase the cost of  
17          managing covered materials and products;
- 18          (G) Being evaluated by an independent financial  
19          auditor, as designated by the department, to  
20          ensure the costs of implementing the stewardship  
21          plan are covered; and



1           (H) Meeting any other reasonable requirement  
2                           established by the department.

3           **§ -5 Reimbursement.** The counties may request  
4 reimbursement from a producer or stewardship organization that  
5 has an approved stewardship plan on file with the department for  
6 costs associated with collecting, transporting, and processing  
7 covered materials and products that are listed under the  
8 stewardship plan, in accordance with:

- 9           (1) The requirements of the producer, as established under  
10                           the stewardship plan; and  
11           (2) Any other requirement adopted by the department by  
12                           regulation.

13           **§ -6 Stewardship plan approval.** (a) On or before  
14 June 1, 2023, and each June 1 thereafter, a producer shall  
15 submit a report to the department for approval, in a manner  
16 required by the department, evaluating the progress made toward  
17 meeting stewardship plan requirements and goals for the  
18 immediately preceding year.

19           (b) The department may rescind approval of a stewardship  
20 plan at any time.



1           § -7 **Rules.** The department shall adopt rules, pursuant  
2 to chapter 91, establishing procedures necessary to implement or  
3 administer this chapter.

4           § -8 **Penalties.** A producer or stewardship organization  
5 that violates this chapter, or any rule established pursuant to  
6 section -7 shall be fined as follows:

- 7           (1) \$5,000 for a first violation;
- 8           (2) \$10,000 for a second violation; and
- 9           (3) \$20,000 for a third violation.

10          § -9 **Joint and several liability.** If a penalty is  
11 imposed on a stewardship organization under this chapter, each  
12 producer participating in the stewardship organization shall be  
13 jointly and severally liable for the payment of the penalty."

14          SECTION 3. This Act does not affect rights and duties that  
15 matured, penalties that were incurred, and proceedings that were  
16 begun before its effective date.

17          SECTION 4. This Act shall take effect upon its approval.

18

INTRODUCED BY: Jane Alessio



# S.B. NO. 1419

**Report Title:**

Municipal Product Stewardship Program; Packaging; Recycling

**Description:**

Establishes the Municipal Product Stewardship Program.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

