

## Single-Use Products Law

## Summary & FAQ

Effective July 1, 2020, state law ([Act 69 of 2019](#)) prohibits stores and food service establishments from providing the following single-use products:

- **Single-use plastic carryout bags\*** at the point of sale. This does not apply to bags used for prescription meds, dry cleaning, produce bags, and other small bags that are not at the point of sale. Single-use paper bags can be offered at the point of sale for a minimum customer charge of 10 cents per bag, which stores keep.
- **Expanded polystyrene (commonly called Styrofoam) food and beverage containers\*** including foam cups, take-out and to-go containers, plates, trays, and cartons for eggs or other food. NOTE: Effective July 1, 2020, these products may not be sold in Vermont. These prohibitions do not apply to meat and fish packaging or food packaged out-of-state or sold out-of-state.
- **Plastic straws\*** except they can be given upon customer request. Hospitals, nursing homes, independent and assisted living, and residential care facilities can provide plastic straws.
- **Plastic Stirrers\***

**\*Inventory Exemption:** Stores and food service establishments that purchased these single-use products before May 15, 2019 had until July 1, 2021 to use up the previously purchased product.

### What Can Stores & Food Service Establishments Do Instead?

- **Instead of Single-use Plastic Bags** – Encourage customers to bring their own reusable bags and make reusable, durable bags with stitched handles available for customers to purchase. Stores may also offer recyclable paper bags if they charge 10 cents per bag. Some small paper bags are exempt from that fee.
- **Instead of Single-use Foam Food Service Products** (expanded polystyrene) – Use durable, washable plates, cups, bowls, and trays that last for a long time. Or use paper cups, plates, bowls, and to-go containers, especially those made with post-consumer recycled content. Recyclable aluminum and plastic to-go containers are also available. Encourage customers to eat and drink “for here” using reusable and washable cups, bowls, and plates and support customers who bring their own to-go containers by giving them a discount based on the cost of a single-use to-go container.
- **Instead of Plastic Straws** – Go strawless, as many food service establishments have. Or, provide non-plastic disposable straws or sell or provide reusable stainless-steel straws.
- **Instead of Plastic Stirrers** – Offer washable silverware spoons or wooden stir sticks.

### Frequently Asked Questions:

**1. Q: Are there any exemptions where we can still provide plastic bags?**

**A:** Yes, exempt plastic bags include plastic bags used by the customer inside the store to contain frozen foods, meat, or fish, or to package loose items like fruits, vegetables, nuts, coffee, grains, bakery goods, candy, greeting cards, or small hardware items; provided for laundry, dry cleaning, or garments, including bags provided by a store to protect large garments, such as suits, jackets, or dresses; used by flower shops to cover flowers.

**2. Q: What or who is considered a “store” and “food service establishment”?**

**A:** State law under 10 V.S.A. § 6691 (15) states; “store” means a grocery store, supermarket, convenience store, liquor store, drycleaner, pharmacy, drug store, or other retail establishment that provides carryout bags to its customers.’ State law under 18 V.S.A. § 4301 (8) states; “food service establishment” means entities that prepare, serve, and sell food to the public, including restaurants, temporary food vendors, caterers, mobile food units, and limited operations as defined in rule.’

**3. Q: Can any person or store sell a package or box of multiple expanded polystyrene food and beverage products like packages of foam cups or plates on a sales shelf?**

**A:** No, state law under 10 V.S.A. § 6696(a) states; "A person shall not sell or offer for sale in the State an expanded polystyrene food service product."

**4. Q: Can we sell boxes or multi-packs of single-use plastic carryout bags, plastic straws, or plastic stirrers?**

**A:** Yes. There is no prohibition on the sale of packages of plastic bags, straws, or stirrers.

**5. Q: Are there any exemptions where I don't have to charge 10 cents for a paper bag?**

**A:** Yes. Paper bags that are not provided at the point of sale (not given at the check-out counter/registers), including any paper bags used by pharmacies for medications; bags used by customers inside the store to package loose items such as fruits, vegetables, nuts, coffee, grains, bakery goods, candy, greeting cards, small hardware items; and bags to contain or wrap frozen foods, meat, fish, or flowers. Also exempt are paper bags with a basis weight of 30 pounds or less and, generally, paper bags shorter than 10 inches.

**6. Q: Does the 10 cent paper bag fee apply to customers paying with EBT cards (SNAP beneficiaries)?**

**A:** Yes. The fee must be charged to all customers.

**7. Q: Is there a sales tax on the 10-cent fee for paper bags?**

**A:** No, the fee is a state mandated fee. There is no sales tax on that fee.

**8. Q: Are paper bags required to be made with recycled materials?**

**A:** No.

**9. Q: Are plastic bags made from bio-based materials banned?**

**A:** Yes. The ban applies to plastic carry-out bags made from bio-based materials, including compostable bags.

**10. Q: We just purchased plastic carryout bags, plastic straws, plastic stirrers, and/or expanded polystyrene products to replenish our inventory. Can we still use these single-use products?**

**A:** If products were purchased prior to May 15, 2019, you had until July 1, 2021 to use that inventory. Effective July 1, 2021, the bans are in effect regardless of purchase date (with the exception of plastic straws per request.)

**11. Q: Can we still use expanded polystyrene to package raw meat and seafood?**

**A:** Yes, food establishments that package raw, uncooked, or butchered meat, fish, poultry, or seafood may continue to use expanded polystyrene for these purposes only.

**12. Q: We receive food products from out of state that are packaged in expanded polystyrene. Are we allowed to continue selling these products?**

**A:** Yes, food or beverages that have been packaged in expanded polystyrene outside of Vermont (food being shipped from out-of-state manufacturers) may continue to be received and sold in Vermont.

**13. Q: Can we use a thicker plastic carryout bag, such as 2.25 mil or 4 mil thickness?**

**A:** No. All plastic carryout bags are banned, except reusable polypropylene bags with stitched handles.

**14. Q: There are towns that have bag bans in effect or going into effect. Will those bag ordinances still stand?**

**A:** Any pre-existing ordinances stayed in effect until July 1, 2020. Effective July 1, 2020 no municipal ordinance can be more stringent than Act 69 of 2019.