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Date: (Filing No. S-)

AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
SENATE
131ST LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 884, L.D. 2091, “An Act Regarding Businesses' and Consumers' Use of Returnable, Reusable and Refillable Containers for Food, Beverages and Nonfood Items”

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 7 MRSA §219-A, as enacted by PL 2021, c. 177, §1, is repealed.

Sec. 2. 7 MRSA §219-C is enacted to read:

§219-C. Returnable, reusable or refillable containers and packaging

1. Use permitted; rules and guidelines. The department shall ensure that its rules, established in accordance with the commissioner's rule-making authority in section 12, and guidelines:

A. Explicitly allow a business, on a voluntary basis, to allow consumers to supply their own containers or packaging for the purchase of:

- (1) Nonfood items;
- (2) Shelf-stable food items; and
- (3) Food other than shelf-stable food items as determined by the department by rule.

B. Explicitly allow a business, on a voluntary basis, to sell nonfood items, shelf-stable food items and other food to consumers in the State in returnable, reusable or refillable containers and packaging, which may be supplied by either the business or a 3rd party; and

C. Explicitly establish the right of a business to refuse any returnable, reusable or refillable container or packaging supplied by a consumer.

2. Reuse permitted. A returnable, reusable or refillable container or packaging returned by a consumer may be reclaimed by a business or a 3rd party, restored to standards

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1 for health and safety and reused in the packaging and selling of a nonfood item, a shelf-
2 stable item or other food to the same or another consumer. The department shall provide
3 technical assistance and education to businesses and consumers regarding best practices
4 for the use and reuse of returnable, reusable or refillable containers.

5 For purposes of this section, "food" has the same meaning as in Title 22, section 2152,
6 subsection 4 and "business" means a business licensed by the department under Title 22,
7 chapter 551.'

8 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
9 number to read consecutively.

10 SUMMARY

11 This amendment requires the Department of Agriculture, Conservation and Forestry to
12 ensure that its rules and guidelines allow a business, on a voluntary basis, to allow
13 consumers to supply their own containers or packaging for shelf-stable food and nonfood
14 items as provided in current law, but also other food as determined by the department by
15 rule.

16 The amendment also requires the department to ensure that its rules and guidelines do
17 the following:

18 1. Explicitly provide that a returnable, reusable or refillable container or packaging
19 may be reclaimed by the business or a 3rd party, restored to standards for health and safety
20 and reused in the packaging and selling of a nonfood item, a shelf-stable item or other food
21 to the same or another consumer;

22 2. Explicitly provide that allowing consumers to supply their own containers or
23 packaging for the purchase of nonfood items, shelf-stable items and other food is voluntary
24 for the business;

25 3. Explicitly provide that allowing a business to sell nonfood items, shelf-stable items
26 and other food to consumers in returnable, reusable or refillable containers and packaging,
27 which may be supplied by either the business or a 3rd party, is voluntary; and

28 4. Explicitly establish the right of a business to refuse any returnable, reusable or
29 refillable container or packaging supplied by a consumer.

30 FISCAL NOTE REQUIRED

31 (See attached)