An Act To Improve the Manufacturing of Plastic Bottles and Bottle Caps

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §1611 is enacted to read:

§1611. Single-use plastic beverage containers and plastic beverage caps

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Beverage" means any of the following products that are in liquid, ready-to-drink form and are intended for human consumption: beer and malt beverages; wine or distilled spirits coolers; carbonated and noncarbonated water; soda; carbonated and noncarbonated soft drinks and fruit drinks; coffee and tea drinks; and vegetable juice in plastic beverage containers of 16 ounces or less.

B. "Manufacturer" means a person, partnership, association, corporation or other entity that, through its own action or through contract or control of another entity, is primarily responsible for the production of a beverage held in a single-use plastic beverage container and sold, offered for sale or distributed for sale in the State.

C. "Plastic" means a synthetic material made from fossil fuel or organic-based polymers, such as polyethylene, polystyrene, polypropylene and polycarbonate, that can be molded or blown into specific shapes.

D. "Plastic beverage cap" means a cap that is composed wholly or in large part of plastic and that is screwed onto or otherwise affixed to a single-use plastic beverage container. "Plastic beverage cap" does not include a cap that is composed wholly or in large part of a nonplastic material but includes a plastic seal.

E. "Postconsumer recycled plastic" means plastic produced from the recovery, separation, collection and reprocessing of plastic that would otherwise be disposed of or processed as waste.

F. "Single-use plastic beverage container" means an individual bottle, can, jar, carton or other container that:

(1) Is composed wholly or in large part of plastic;

(2) Contains one liter or less of a beverage; and

(3) Is intended to be disposed of after one use.

"Single-use plastic beverage container" does not include a container that is composed of nonplastic materials only but includes a plastic beverage cap; a cup or other similar open or loosely sealed container; or a container that is intended by the producer to be reused for the same purpose multiple times.

2. Single-use plastic beverage containers. Beginning January 1, 2020, a manufacturer may not sell, offer for sale or distribute for sale in the State a single-use plastic beverage container unless the container is composed of at least 15% postconsumer recycled plastic. Beginning January 1, 2022, a manufacturer may not sell, offer for sale or distribute for sale in the State a single-use plastic beverage container unless the container is composed of at least 20% postconsumer recycled plastic. Beginning January
1, 2024, a manufacturer may not sell, offer for sale or distribute for sale in the State a
single-use plastic beverage container unless the container is composed of at least 25%
postconsumer recycled plastic.

3. Plastic beverage caps. Beginning January 1, 2020, a manufacturer may not sell,
offer for sale or distribute for sale in the State a single-use plastic beverage container with
a plastic beverage cap unless the cap is composed of the same plastic as the beverage
container in accordance with the Standard Practice for Coding Plastic Manufactured
Articles for Resin Identification of the American Society for Testing and Materials,
ASTM D7611, and:

A. The cap is tethered to the container in a manner that prevents the separation of the
cap from the container when the cap is removed; or

B. The cap includes an opening from which the beverage can be consumed while the
cap remains screwed onto or otherwise affixed to the container.

4. Manufacturer compliance. This subsection governs compliance by
manufacturers with the requirements of this section.

A. A manufacturer that produces single-use plastic beverage containers shall provide
to the department upon request all information necessary for the department to
determine the manufacturer's compliance with the requirements of this section.

B. In determining whether an entity meets the definition of "manufacturer" under
subsection 1, paragraph B, the department shall consider, without limitation, the
following factors:

(1) The ownership of the brand name of a beverage contained in a single-use
plastic beverage container;

(2) The primary control or influence over the design of a beverage contained in a
single-use plastic beverage container; and

(3) The primary control or influence over the design of a single-use plastic
beverage container in which a beverage is contained.

C. An entity with a legally recognized corporate relationship to a manufacturer that
is subject to the requirements of this section may, on behalf of that manufacturer and
following notification to the department, assume the manufacturer's responsibilities
under this section.

D. The requirements of this section do not apply to a manufacturer of beer, wine or
spirits that annually produces 50,000 gallons or less of its product or to a
manufacturer of beverages other than beer, wine or spirits that annually produces
250,000 or fewer single-use plastic beverage containers containing its product.

5. Administration and enforcement; rules. The department shall administer and
enforce this section. The department may adopt rules to implement this section. Rules
adopted pursuant to this subsection are routine technical rules as defined in Title 5,
chapter 375, subchapter 2-A.
SUMMARY

This bill prohibits, beginning January 1, 2020, a manufacturer from selling, offering for sale or distributing for sale in the State a single-use plastic beverage container unless the container is composed of at least 15% postconsumer recycled plastic. Beginning January 1, 2022, this threshold for the percentage of postconsumer recycled plastic in single-use plastic beverage containers increases to 20% and, beginning January 1, 2024, the threshold increases to 25%.

The bill also prohibits, beginning January 1, 2020, a manufacturer from selling, offering for sale or distributing for sale in the State a single-use plastic beverage container with a plastic beverage cap unless the cap is composed of the same plastic as the beverage container and the cap is tethered to the container in a manner that prevents the separation of the cap from the container when the cap is removed or the cap includes an opening from which the beverage can be consumed while the cap remains screwed onto or otherwise affixed to the container.