

1.1 A bill for an act
1.2 relating to environment; modifying certain requirements for labeling items as
1.3 biodegradable or compostable; amending Minnesota Statutes 2020, section
1.4 325E.046.
1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2020, section 325E.046, is amended to read:
1.7 **325E.046 STANDARDS FOR LABELING PLASTIC BAGS, FOOD OR**
1.8 **BEVERAGE PRODUCTS, AND PACKAGING.**

1.9 Subdivision 1. **"Biodegradable" label.** A manufacturer, distributor, or wholesaler may not sell or offer for sale, and any other
1.10 person may not knowingly sell or offer for sale in this state a plastic bag covered product labeled
1.11 "biodegradable," "degradable," "decomposable," or any form of those terms, or in any way
1.12 imply that the bag covered product will chemically decompose into innocuous elements in
1.13 a reasonably short period of time in a landfill, composting, or other terrestrial environment
1.14 unless a scientifically based standard for biodegradability is developed and the bags are
1.15 certified as meeting the standard. break down, fragment, degrade, biodegrade, or decompose
1.16 in a landfill or other environment, unless an ASTM standard specification is adopted for
1.17 the term claimed and the specification is approved by the legislature.

1.18 Subd. 2. **"Compostable" label.** (a) A manufacturer, distributor, or wholesaler may not sell or offer for sale, and any other person
1.19 may not knowingly sell or offer for sale in this state a plastic bag covered product labeled "compostable"
1.20 unless, at the time of sale or offer for sale, the bag covered product:

1.21 (1) meets the ASTM Standard Specification for Compostable Labeling of Plastics
1.22 Designed to be Aerobically Composted in Municipal or Industrial Facilities (D6400). Each
1.23 bag must be labeled to reflect that it meets the standard. For purposes of this subdivision,
2.1 "ASTM" has the meaning given in section 296A.01, subdivision 6, or its successor or the
2.2 ASTM Standard Specification for Labeling of End Items that Incorporate Plastics and
2.3 Polymers as Coatings or Additives with Paper and Other Substrates Designed to be
2.4 Aerobically Composted in Municipal or Industrial Facilities (D6868) or its successor, and
2.5 the covered product is labeled to reflect that it meets the specification;
2.6 (2) is comprised of only wood without any coatings or additives; or
2.7 (3) is comprised of only paper without any coatings or additives.

2.8 (b) A covered product labeled "compostable" and meeting the criteria under paragraph
2.9 (a) must be clearly and prominently labeled on the product, or on the product's smallest unit
2.10 of sale, to reflect that it is intended for an industrial or commercial compost facility. The
2.11 label required under this paragraph must be in a legible text size and font. If it is not feasible
2.12 for manufacturing technology to label the individual product with the term "compostable,"
2.13 then the covered product must:

2.14 (1) have brown or green labeling; or
2.15 (2) use descriptive color schemes, green or brown color striping, or other adopted
2.16 symbols, colors, marks, or design patterns that help differentiate compostable items from
2.17 noncompostable materials.

2.18 Subd. 2a. **Certification of compostable products.** Beginning January 1, 2024, a manufacturer, distributor, or wholesaler
2.19 may not knowingly sell or offer for sale a covered product labeled as "compostable" unless the product is certified that it the person
2.20 obtains certification that the product meets the requirements of subdivision 2 from an entity
2.21 that:

2.22 (1) is a nonprofit corporation;
2.23 (2) as its primary focus of operation, promotes the production, use, and appropriate end
2.24 of life for materials and products that are designed to fully biodegrade in specific biologically
2.25 active environments such as industrial composting; and
2.26 (3) is technically capable of and willing to perform analysis necessary to determine a
2.27 product's compliance with subdivision 2.

2.28 Subd. 3. **Enforcement; civil penalty; injunctive relief.** (a) A manufacturer, distributor,
2.29 or wholesaler person who violates subdivision 1 or 2 this section is subject to a civil or
2.30 administrative penalty of \$100 for each prepackaged saleable unit sold or offered for sale
2.31 up to a maximum of \$5,000 and may be enjoined from those violations.

3.1 (b) The attorney general may bring an action in the name of the state in a court of
3.2 competent jurisdiction for recovery of civil penalties or for injunctive relief as provided in
3.3 this subdivision. The attorney general may accept an assurance of discontinuance of acts
3.4 in violation of subdivision 1 or 2 this section in the manner provided in section 8.31,
3.5 subdivision 2b.

3.6 (c) The commissioner of the Pollution Control Agency may enforce this section under
3.7 sections 115.071 and 116.072.

3.8 (d) When requested by the attorney general or the commissioner of the Pollution Control
3.9 Agency, a person selling or offering for sale a covered product labeled as "compostable"

- 3.10 must furnish to the attorney general or the commissioner any information that the person
3.11 may have or may reasonably obtain that is relevant to show compliance with this section.
3.12 Subd. 4. Definitions. For purposes of this section, the following terms have the meanings
3.13 given:
3.14 (1) "ASTM" has the meaning given in section 296A.01, subdivision 6;
3.15 (2) "covered product" means a bag, food or beverage product, or packaging;
3.16 (3) "food or beverage product" means a product that is used to wrap, package, contain,
3.17 serve, store, prepare, or consume a food or beverage, such as plates, bowls, cups, lids, trays,
3.18 straws, utensils, and hinged or lidded containers; and
3.19 (4) "packaging" has the meaning given in section 115A.03, subdivision 22b.
- 3.20 **EFFECTIVE DATE.** This section is effective January 1, 2023.

Notes on the amendments proposed on 3/12/21:

Highlighted text denotes areas where changes to HF1165 have been proposed.

Double underlined text denotes new language added as a proposed amendment to HF1165

~~Double strikethrough text denotes language to be removed from HF 1165 that is not currently part of 325E.046~~

Single underlined text, is proposed new language originally included in HF1165 for the purposes of amending 325E.046

~~Single strike through text is proposed language currently included in 325E.046, that HF1165 proposed to delete (prior to the 3/12/21 amendment)~~

Text that is highlighted but not underlined, is intended to restore language from 325E.046 that HF1165 previously proposed deleting