

Senator moves to amend the delete-everything amendment (SCS3561A-3) to S.F. No. 3561 as follows:

Page 3, delete subdivision 22 and insert:

"Subd. 22. **Producer.** (a) "Producer" means the following person responsible for compliance with requirements under this act for a covered material sold, offered for sale, or distributed in or into this state:

(1) for items sold in or with packaging at a physical retail location in this state:

(i) if the item is sold in or with packaging under the brand of the item manufacturer or is sold in packaging that lacks identification of a brand, the producer is the person that manufactures the item;

(ii) if there is no person to which item (i) applies, the producer is the person that is licensed to manufacture and sell or offer for sale to consumers in this state an item with packaging under the brand or trademark of another manufacturer or person;

(iii) if there is no person to which item (i) or (ii) applies, the producer is the brand owner of the item;

(iv) if there is no person described in item (i), (ii), or (iii) within the United States, the producer is the person who is the importer of record for the item into the United States for use in a commercial enterprise that sells, offers for sale, or distributes the item in this state;
or

(v) if there is no person described in items (i) to (iv), the producer is the person that first distributes the item in or into this state;

(2) for items sold or distributed in packaging in or into this state via e-commerce, remote sale, or distribution:

(i) for packaging used to directly protect or contain the item, the producer of the packaging is the same as the producer identified under clause (1); and

(ii) for packaging used to ship the item to a consumer, the producer of the packaging is the person that packages the item to be shipped to the consumer;

(3) for packaging that is a covered material and is not included in clauses (1) and (2), the producer of the packaging is the person that first distributes the item in or into this state;

(4) for paper products that are magazines, catalogs, telephone directories, or similar publications, the producer is the publisher;

2.1 (5) for paper products not described in clause (4):

2.2 (i) if the paper product is sold under the manufacturer's own brand, the producer is the
2.3 person that manufactures the paper product;

2.4 (ii) if there is no person to which item (i) applies, the producer is the person that is the
2.5 owner or licensee of a brand or trademark under which the paper product is used in a
2.6 commercial enterprise, sold, offered for sale, or distributed in or into this state, whether or
2.7 not the trademark is registered in this state;

2.8 (iii) if there is no person to which item (i) or (ii) applies, the producer is the brand owner
2.9 of the paper product;

2.10 (iv) if there is no person described in item (i), (ii), or (iii) within the United States, the
2.11 producer is the person that imports the paper product into the United States for use in a
2.12 commercial enterprise that sells, offers for sale, or distributes the paper product in this state;
2.13 or

2.14 (v) if there is no person described in items (i) to (iv), the producer is the person that first
2.15 distributes the paper product in or into this state; and

2.16 (6) a person is the producer of a covered material sold, offered for sale, or distributed
2.17 in or into this state, as defined in clauses (1) to (5), except:

2.18 (i) where another person has mutually signed an agreement with a producer as defined
2.19 in clauses (1) to (5) that contractually assigns responsibility to the person as the producer,
2.20 and the person has joined a registered producer responsibility organization as the responsible
2.21 producer for that covered material under this act. In the event that another person is assigned
2.22 responsibility as the producer under this subdivision, the producer under clauses (1) to (5)
2.23 must provide written certification of that contractual agreement to the producer responsibility
2.24 organization; and

2.25 (ii) if the producer described in clauses (1) to (5) is a business operated wholly or in part
2.26 as a franchise, the producer is the franchisor if that franchisor has franchisees that have a
2.27 commercial presence within the state.

2.28 (b) "Producer" does not include:

2.29 (1) government agencies, municipalities, or other political subdivisions of the state;

2.30 (2) registered 501(c)(3) charitable organizations and 501(c)(4) social welfare
2.31 organizations; or

2.32 (3) de minimis producers."