

1.1 **Senator Dziedzic from the Committee on State and Local Government and Veterans,**
1.2 **to which was re-referred**

1.3 **S.F. No. 3561:** A bill for an act relating to solid waste; establishing Packaging Waste
1.4 and Cost Reduction Act; authorizing rulemaking; proposing coding for new law in Minnesota
1.5 Statutes, chapter 115A.

1.6 Reports the same back with the recommendation that the bill be amended as follows:

1.7 Page 1, line 20, delete "reuse, recycling," and insert "recycling"

1.8 Page 2, line 21, after the period, insert "Covered material does not include exempt
1.9 materials."

1.10 Page 2, after line 26, insert:

1.11 "Subd. 11. **De minimis producer.** "De minimis producer" means a person that in the
1.12 most recent fiscal year:

1.13 (1) introduced less than one ton of covered material into this state; or

1.14 (2) earned global gross revenues of less than \$2,000,000."

1.15 Page 2, after line 30, insert:

1.16 "Subd. 13. **Exempt materials.** "Exempt materials" means materials, or any portion of
1.17 materials, that:

1.18 (1) are packaging for infant formula, as defined in United States Code, title 21, section
1.19 321(z);

1.20 (2) are packaging for medical food, as defined in United States Code, title 21, section
1.21 360ee(b)(3);

1.22 (3) are packaging for a fortified oral nutritional supplement used by persons who require
1.23 supplemental or sole source nutrition to meet nutritional needs due to special dietary needs
1.24 directly related to cancer, chronic kidney disease, diabetes, malnutrition, or failure to thrive,
1.25 as those terms are defined by the International Classification of Diseases, Tenth Revision;

1.26 (4) are a product, including its peripheral accessories, and the packaging or packaging
1.27 components for any investigational or approved product regulated as a drug or medical
1.28 device by the United States Food and Drug Administration;

1.29 (5) are medical equipment or products or their components, including consumable
1.30 medical equipment or products and their components, and the packaging or packaging
1.31 components for any products used in healthcare settings, including hospitals and clinics

that are regulated by the United States Food and Drug Administration or used for infection prevention and dispensing of medication;

(6) are medical equipment or products and the packaging or packaging components for any product intended for Research Use Only as defined in the Federal Food, Drug, and Cosmetic Act, United States Code, title 21, section 360 et seq.; or

(7) are drugs, biological products, parasitocides, medical devices, or in vitro diagnostics used to treat, or administered to, animals and regulated by the United States Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act, United States Code, title 21, section 301 et seq., by the United States Department of Agriculture under the federal Virus-Serum-Toxin Act, United States Code, title 21, section 151 et seq., or by the United States Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 United States Code, title 7, section 136 et seq."

Page 3, line 11, after "for" insert "waste reduction,"

Page 3, line 27, after the period, insert "Packaging does not include exempt materials."

Page 6, line 6, before the period, insert ", as defined in this act"

Page 6, after line 10, insert:

"Subd. 28. **Refill.** "Refill" means the continued use of a covered material by a consumer through a system that is:

(1) intentionally designed and marketed for repeated filling of a covered material to reduce demand for new production of the covered material;

(2) supported by adequate logistics and infrastructure to provide convenient access for consumers; and

(3) compliant with all applicable state and local statute, rule, ordinance, or other law governing health and safety.

Subd. 29. **Return rate.** "Return rate" means the amount of reusable covered material in aggregate or by individual covered materials type, collected for reuse by the producer or service provider in a calendar year, divided by the total amount of reusable covered materials sold or distributed into the state by the relevant unit of measurement established in section 115A.1451."

Renumber the subdivisions in sequence

Page 6, line 15, delete "statutes and rules" and insert "statutes, rules, ordinances, or other laws"

- 3.1 Page 6, line 23, delete "refilling or" and delete "in the marketplace for its original" and
3.2 insert "by a producer or service provider"
- 3.3 Page 6, line 24, delete everything before "when"
- 3.4 Page 6, line 25, before the semicolon insert "for its original intended purpose without a
3.5 change in form"
- 3.6 Page 6, line 27, before the semicolon insert "of the covered material"
- 3.7 Page 6, line 29, delete "return for" and insert "consumers"
- 3.8 Page 6, line 30, delete everything before the semicolon
- 3.9 Page 7, line 1, delete "and rules" and insert ", rules, ordinances, or other laws"
- 3.10 Page 7, line 10, before "similar" insert ", contracted for, or otherwise arranged for"
- 3.11 Page 7, line 21, before the period insert ", but does include refill, as defined in this act"
- 3.12 Page 8, line 10, delete "in this state"
- 3.13 Page 9, line 19, delete "sold, offered for sale, or distributed in the state" and insert
3.14 "introduced"
- 3.15 Page 10, line 23, before "covered" insert "and sorts"
- 3.16 Page 10, line 25, delete "source-separated"
- 3.17 Page 15, line 3, delete "into the state"
- 3.18 Page 15, line 5, after "rate" insert "and return rate"
- 3.19 Page 16, line 16, delete "and" and after "rates" insert ", and return rates"
- 3.20 Page 16, line 17, delete "rates of recycling and composting" and insert "recycling rate,
3.21 composting rate, reuse rate, and return rate"
- 3.22 Page 16, line 26, delete "potential performance targets to meet statewide requirements"
3.23 and insert "outcomes for"
- 3.24 Page 16, line 27, delete "as applicable to"
- 3.25 Page 16, line 31, after "reuse" insert "rate and return rates"
- 3.26 Page 16, line 32, after "recycling" insert "rates"
- 3.27 Page 17, line 1, after "composting" insert "rates"
- 3.28 Page 17, after line 2, insert:

4.1 "(4) proposals for a range of outcomes for the categories described in clause (3), that
4.2 consider:

4.3 (i) information contained in or used to prepare a needs assessment according to this
4.4 subdivision;

4.5 (ii) goals and requirements of the waste management act under this chapter;

4.6 (iii) statewide goals for greenhouse gas emission reductions under section 216H.02;

4.7 (iv) need for continuous progress towards generating less waste from covered materials
4.8 and the complete reuse, recycling, or composting of the covered materials that are generated,
4.9 in doing so reducing impacts to human health and the environment;

4.10 (v) a preference for statewide requirements that accomplish and further the goals and
4.11 requirements in clauses (2) to (4) as soon as practicable and to the maximum extent
4.12 achievable; and

4.13 (vi) information from packaging and paper producer responsibility programs operating
4.14 in other jurisdictions;"

4.15 Page 17, line 3, delete "(4)" and insert "(5)"

4.16 Page 17, line 4, before the semicolon, insert "and recommendations for collection methods
4.17 by covered materials type to maximize efficiency and quality of feedstock"

4.18 Page 17, line 5, delete "(5)" and insert "(6)"

4.19 Page 17, line 7, delete "(6)" and insert "(7)"

4.20 Page 17, line 9, delete "(7)" and insert "(8)"

4.21 Page 17, line 11, after "existing" insert "waste reduction,"

4.22 Page 17, line 13, after "of" insert "waste reduction,"

4.23 Page 17, line 18, delete "(8)" and insert "(9)"

4.24 Page 17, line 19, delete "proposals for" and insert "the range of proposed"

4.25 Page 17, line 20, delete "in clause (3),"

4.26 Page 17, line 28, delete "(9)" and insert "(10)"

4.27 Page 17, line 30, delete "(10)" and insert "(11)"

4.28 Page 18, line 1, delete "(11)" and insert "(12)"

4.29 Page 18, line 4, delete "(12)" and insert "(13)"

- 5.1 Page 18, line 8, after "sound" insert "use and"
- 5.2 Page 18, line 10, after "to" insert "use and"
- 5.3 Page 18, line 11, after "access" insert "waste reduction,"
- 5.4 Page 18, line 13, after "in" insert "waste reduction,"
- 5.5 Page 18, line 15, delete "(13)" and insert "(14)"
- 5.6 Page 18, line 17, delete "(14)" and insert "(15)"
- 5.7 Page 19, line 22, after "proposals for" insert "reusable covered materials managed through
5.8 a reuse system and"
- 5.9 Page 19, line 24, after "targets" insert "and statewide requirements"
- 5.10 Page 19, line 28, delete "source" and insert "waste"
- 5.11 Page 20, line 12, after "product's" insert "refill," and after "reuse" insert a comma
- 5.12 Page 20, line 20, after "of" insert "waste reduction,"
- 5.13 Page 20, line 28, after "collection," insert "waste reduction,"
- 5.14 Page 21, line 30, after "about" insert "refilling,"
- 5.15 Page 22, line 1, after "to" insert "use and"
- 5.16 Page 22, line 2, after "access" insert "waste reduction,"
- 5.17 Page 22, line 3, after "in" insert "waste reduction,"
- 5.18 Page 23, line 6, after "include" insert "reuse rates, return rates, recycling rates, composting
5.19 rates, and" and delete ", reuse, recycling, composting"
- 5.20 Page 23, line 16, delete "material" and insert "materials"
- 5.21 Page 23, line 26, delete "source" and insert "waste"
- 5.22 Page 23, line 27, delete "source" and insert "waste"
- 5.23 Page 23, line 33, delete "measuring to be" and insert "the measurement of"
- 5.24 Page 24, line 5, after "impacts" insert "than the single-use versions of those items"
- 5.25 Page 27, line 23, after "provision of" insert "waste reduction,"
- 5.26 Page 28, line 12, after "for" insert "waste reduction,"
- 5.27 Page 28, line 22, after "affect" insert "waste reduction,"
- 5.28 Page 29, line 12, before "Nothing" insert "(a)"

6.1 Page 29, after line 15, insert:

6.2 "(b) Nothing in this act restricts the authority of a political subdivision to provide waste
6.3 management services to residents, to contract with any entity to provide waste management
6.4 services, or to exercise its authority granted under section 115A.94. A producer responsibility
6.5 organization may not conduct activities that would conflict, compete, or otherwise interfere
6.6 with a political subdivision exercising its authority under section 115A.94 to organize
6.7 collection of solid waste, including materials collected for recycling or composting, or to
6.8 extend, renew, or otherwise manage any contracts entered into as a result of exercising such
6.9 authority or otherwise resulting from a competitive procurement process."

6.10 Page 30, line 14, after "composting," insert "waste reduction,"

6.11 Page 32, lines 15 and 17, after "composting," insert "waste reduction,"

6.12 And when so amended the bill do pass and be re-referred to the Committee on Judiciary
6.13 and Public Safety. Amendments adopted. Report adopted.

6.14 
6.15 (Committee Chair)

6.16 March 14, 2024.....

6.17 (Date of Committee recommendation)