

1.1 ..... moves to amend H.F. No. 3577, the first engrossment, as follows:

1.2 Page 2, lines 1 and 18, delete ", offered for sale,"

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

1.5 Page 2, after line 30, insert:

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

1.8 (1) introduced less than one ton of covered material into this state; and

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

1.10 Subd. 12. **Exempt materials.** "Exempt materials" means materials, or any portion of  
1.11 materials, that:

1.12 (1) are packaging for infant formula, as defined in United States Code, title 21, section  
1.13 321(z);

1.14 (2) are packaging for medical food, as defined in United States Code, title 21, section  
1.15 360ee(b)(3);

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

1.21 (4) are not covered materials, as determined by the commissioner."

1.22 Renumber the subdivisions in sequence

1.23 Page 3, line 2, delete "who" and insert "that"

2.1 Page 3, line 23, before "data" insert "private and nonpublic" and delete "or information"

2.2 Page 3, line 24, delete everything after "assessment" and insert "according to the  
2.3 provisions of section 115A.06, subdivision 13."

2.4 Page 3, delete lines 25 to 27

2.5 Page 4, delete subdivision 22, and insert:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.20 (i) where another person has mutually signed an agreement with a producer as defined  
3.21 in clauses (1) to (5) that contractually assigns responsibility to the person as the producer,  
3.22 and the person has joined a registered producer responsibility organization as the responsible  
3.23 producer for that covered material under this act. In the event that another person is assigned  
3.24 responsibility as the producer under this subdivision, the producer under clauses (1) to (5)  
3.25 must provide written certification of that contractual agreement to the producer responsibility  
3.26 organization; and

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

3.30 (b) "Producer" does not include:

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

- 4.1 (2) registered 501(c)(3) charitable organizations and 501(c)(4) social welfare
- 4.2 organizations; or
- 4.3 (3) de minimis producers."
- 4.4 Page 5, line 22, delete ", offered for sale,"
- 4.5 Page 6, line 16, delete the comma
- 4.6 Page 6, line 17, delete "offered for sale,"
- 4.7 Page 6, line 23, after "provided" insert ", contracted for, or otherwise arranged for"
- 4.8 Page 6, line 26, after "an" insert "accredited"
- 4.9 Page 8, line 24, delete "establish a"
- 4.10 Page 8, line 25, delete "process to"
- 4.11 Page 8, line 27, after the period, insert "When selecting a producer responsibility
- 4.12 organization, the commissioner must consider whether the producer responsibility
- 4.13 organization: (1) has a governing board consisting of producers that represent a diversity
- 4.14 of covered materials introduced in the state; and (2) demonstrates adequate financial
- 4.15 responsibility and financial controls to ensure proper management of funds."
- 4.16 Page 9, line 7, delete everything after "organization"
- 4.17 Page 9, line 8, delete everything before the semicolon
- 4.18 Page 9, line 10, before the period, insert ", paragraph (a)"
- 4.19 Page 9, line 21, delete "process" and insert "manage"
- 4.20 Page 12, after line 6, insert:
- 4.21 "(v) the most recent list of exempt materials approved by the commissioner under section
- 4.22 115A.1443."
- 4.23 Renumber the items in sequence
- 4.24 Page 13, line 24, delete "and"
- 4.25 Page 13, line 25, after "325F.179" insert a comma
- 4.26 Page 13, line 29, after the semicolon, insert "and"
- 4.27 Page 13, line 30, delete the semicolon and insert a period
- 4.28 Page 14, delete lines 1 to 11

- 5.1 Page 14, line 22, before the semicolon, insert "and included in an established reuse  
5.2 system that meets the rate required under this act"
- 5.3 Page 15, line 2, before "must" insert "participating in an approved stewardship plan"
- 5.4 Page 15, line 20, delete "an independent" and insert "a"
- 5.5 Page 17, line 3, after "to" insert ": (i)"
- 5.6 Page 17, line 4, delete "according to proposals for" and insert "in order to achieve" and  
5.7 after "targets" insert "proposed"
- 5.8 Page 17, line 5, delete everything after "(3)" and insert a semicolon
- 5.9 Page 17, line 6, delete "(i) to" and insert "(ii)"
- 5.10 Page 17, line 8, delete "(ii) to" and insert "(iii)"
- 5.11 Page 17, line 11, delete "(iii) to" and insert "(iv)"
- 5.12 Page 17, line 23, delete "efficacy" and insert "impact" and delete "efforts, including"  
5.13 and insert "practices on"
- 5.14 Page 17, line 24, before "product" insert "using"
- 5.15 Page 17, line 26, before "how" insert "increasing public awareness of"
- 5.16 Page 18, line 15, delete "an independent auditor" and insert "the contractor"
- 5.17 Page 18, line 16, delete "independent auditor" and insert "contractor"
- 5.18 Page 18, line 19, delete everything after the period
- 5.19 Page 18, delete lines 20 to 22
- 5.20 Page 19, line 5, delete "as"
- 5.21 Page 19, line 6, delete "by the commissioner"
- 5.22 Page 19, line 11, before "health" insert "federal or state"
- 5.23 Page 19, line 12, delete "concerns" and insert "requirements. The producer responsibility  
5.24 organization must identify the specific requirements and the impact of covered materials"
- 5.25 Page 20, line 5, delete "with a preference given to the top of" and insert "in conformance  
5.26 with"
- 5.27 Page 20, line 7, delete everything before "single" and insert "(iv) ensure statewide  
5.28 collection of covered materials on the recyclable materials list developed under section  
5.29 115A.1452 at no cost to"

6.1 Page 20, line 8, delete everything after "and" and insert "political subdivisions that  
6.2 arrange for the collection of recyclable materials from public places"

6.3 Page 20, line 9, delete everything before the semicolon

6.4 Page 20, line 12, before the semicolon, insert ", and how the producer responsibility  
6.5 organization will reimburse service providers for the cost of: (i) collecting covered materials  
6.6 generated from all single-family residences, multifamily residences, and public places in  
6.7 the state; and (ii) managing covered materials generated from all single-family residences,  
6.8 multifamily residences, public places, and commercial, industrial, and institutional facilities  
6.9 in the state"

6.10 Page 20, line 17, before "data" insert "nonpublic" and delete "and"

6.11 Page 20, line 18, delete "information"

6.12 Page 20, line 25, delete the first "and"

6.13 Page 21, line 10, before "how" insert "increase public awareness of"

6.14 Page 21, line 30, delete "has" and insert "shall have"

6.15 Page 22, line 1, delete "must" and insert "shall"

6.16 Page 22, line 11, before "this" insert "the requirements of"

6.17 Page 22, line 12, delete "commissioner must establish" and insert "producer responsibility  
6.18 organization must propose"

6.19 Page 22, line 13, delete "6" and insert "7"

6.20 Page 22, line 17, delete "commissioner" and insert "producer responsibility organization"

6.21 Page 22, after line 22, insert:

6.22 "(c) The performance targets proposed under this subdivision must demonstrate  
6.23 continuous improvement in reducing the environmental and human health impacts of covered  
6.24 materials over time."

6.25 Page 22, line 25, delete "provide for measuring" and insert "stipulate that"

6.26 Page 22, line 26, delete "to be" and insert "must be measured"

6.27 Page 22, line 33, delete "provide for measuring" and insert "ensure that"

6.28 Page 23, line 1, after "materials" insert "is measured"

6.29 Page 23, line 17, delete "goals" and insert "requirements" and delete "commissioner"  
6.30 and insert "producer responsibility organization" and delete "performance targets"

7.1 Page 23, delete line 18

7.2 Page 23, line 19, delete everything before "by" and insert "the following requirements  
7.3 are met"

7.4 Page 24, line 8, delete "goal" and insert "requirement"

7.5 Page 24, after line 10, insert:

7.6 "(c) After 2038, the commissioner may establish additional statewide requirements for:

7.7 (1) the amount of covered materials that must be recycled or composted;

7.8 (2) the number of units of packaging sold into the state that must be returned to an  
7.9 established reuse system;

7.10 (3) the weight of covered materials sold into the state that must be source reduced; and

7.11 (4) the percent of postconsumer recycled content that must be used in covered materials  
7.12 introduced into this state.

7.13 These statewide requirements must not be less than those listed in this subdivision."

7.14 Page 24, line 12, after "LISTS" insert "; EXEMPT MATERIALS LIST"

7.15 Page 25, line 1, delete the comma and insert "or"

7.16 Page 25, after line 7, insert:

7.17 "Subd. 4. **Exempt materials list.** (a) A producer may request the commissioner, on a  
7.18 form prescribed by the commissioner, to classify as an exempt material one or more types  
7.19 of packaging. The commissioner must submit the request to the advisory board for review  
7.20 and comment before approving or denying the request.

7.21 (b) The commissioner may approve the request only if the commissioner determines  
7.22 that a specific federal or state health and safety requirement prevents the packaging from  
7.23 being waste reduced or made reusable, recyclable, or compostable.

7.24 (c) The commissioner must review and approve, deny, or request additional information  
7.25 for a request for classification of packaging as an exempt material no later than 120 days  
7.26 after the date the commissioner receives it from a producer.

7.27 (d) The commissioner shall post on the agency website a list of materials exempted  
7.28 under this subdivision.

7.29 (e) An exemption granted under this section is valid for two years, after which a producer  
7.30 must reapply in accordance with the provisions of this subdivision."

- 8.1 Renumber the subdivisions in sequence
- 8.2 Page 26, line 22, delete "A producer"
- 8.3 Page 26, delete line 23
- 8.4 Page 26, line 24, delete everything before "The"
- 8.5 Page 27, line 9, delete "collection" and delete "and infrastructure" and insert "for  
8.6 management of covered materials and for infrastructure"
- 8.7 Page 27, line 16, delete "If" and insert "No producer or producer responsibility  
8.8 organization may own or partially own infrastructure unless, after a bidding process described  
8.9 in paragraph (a)," and before "the" insert "in which case,"
- 8.10 Page 28, line 7, delete "reflect" and insert "reflects"
- 8.11 Page 28, delete subdivision 5 and insert:
- 8.12 "Subd. 5. **Local government authority.** (a) Nothing in this act shall be construed to  
8.13 require a political subdivision to agree to operate under a stewardship plan or enter into a  
8.14 service agreement with a producer responsibility organization. A political subdivision  
8.15 entering into a service agreement with a producer responsibility organization may choose  
8.16 to include services that are implemented as a result of exercising its authority under section  
8.17 115A.94 or otherwise resulting from a competitive procurement process, regardless of  
8.18 whether the services were established before or after the approval of any stewardship plan.
- 8.19 (b) Nothing in this act shall restrict the authority of a political subdivision to provide  
8.20 waste management services to residents or, to contract with any entity to provide waste  
8.21 management services, to exercise its authority granted under section 115A.94. A producer  
8.22 responsibility organization may not conduct activities that would conflict, compete, or  
8.23 otherwise interfere with a political subdivision exercising its authority under section 115A.94  
8.24 to organize collection of solid waste, including materials collected for recycling or  
8.25 composting, or to extend, renew, or otherwise manage any contracts entered into as a result  
8.26 of exercising such authority or otherwise resulting from a competitive procurement process."
- 8.27 Page 28, line 17, delete "resolution" and delete "for" and insert "utilizing third-party  
8.28 mediators to resolve"
- 8.29 Page 28, line 18, delete "the" and delete "using third-party mediators"
- 8.30 Page 30, line 25, after "contains" insert a comma and delete "least" and insert "a  
8.31 minimum"
- 8.32 Page 31, line 1, after "(5)" insert "information on how to manage materials, including"

- 9.1 Page 31, line 2, before the semicolon, insert "and any alternative collection programs"
- 9.2 Page 31, after line 2, insert:
- 9.3 "(6) the most recent list of exempt materials approved by the commissioner under section
- 9.4 115A.1453;"
- 9.5 Renumber the clauses in sequence
- 9.6 Page 31, line 12, delete "sold, offered for" and insert "introduced"
- 9.7 Page 31, line 13, delete "sale, or distributed"