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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **3755**

March 4, 2008

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The bill was read for the first time and referred to the Committee on Commerce and Labor

1.1 A bill for an act  
1.2 relating to regulation of trade; prohibiting the sale of certain plastics that do not  
1.3 meet a specification; providing for penalties; proposing coding for new law  
1.4 in Minnesota Statutes, chapter 325E.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[325E.046] BIODEGRADABLE STANDARD FOR PLASTIC BAGS**  
1.7 **AND CONTAINERS.**

1.8 Subdivision 1. **Prohibition.** A person may not manufacture or bring into this state  
1.9 for sale in this state a plastic bag or container labeled "compostable," "biodegradable,"  
1.10 "degradable," or any form of those terms, or in any way imply that the bag or container  
1.11 will break down in a landfill, composting, or other terrestrial environment unless, at the  
1.12 time of sale, the bag or container meets the ASTM Standard Specification for Compostable  
1.13 Plastics (D6400). For purposes of this section "ASTM" has the meaning given in section  
1.14 296A.01, subdivision 6.

1.15 Subd. 2. **Enforcement; civil penalty; injunctive relief.** (a) A person who violates  
1.16 subdivision 1 is subject to a civil penalty of \$100 for each violation up to a maximum of  
1.17 \$5,000 and may be enjoined from such violations.

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

1.22 **EFFECTIVE DATE.** This section is effective the day following final enactment.