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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

**EIGHTY-SIXTH  
SESSION**

**HOUSE FILE No. 403**

January 29, 2009

    Authorized by Gardner; Knuth; Sailer; Murphy, E.; Greiling and others

    The bill was read for the first time and referred to the Committee on Environment Policy and Oversight

February 12, 2009

    Committee Recommendation and Adoption of Report:

    To Pass as Amended and re-referred to the Committee on Commerce and Labor

1.1                                   A bill for an act  
1.2           relating to environment; requiring plastic yard waste bags to be compostable;  
1.3           establishing biodegradable standard for certain plastics; providing civil penalties;  
1.4           amending Minnesota Statutes 2008, section 115A.931; proposing coding for new  
1.5           law in Minnesota Statutes, chapter 325E.

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

1.7           Section 1. Minnesota Statutes 2008, section 115A.931, is amended to read:

1.8           **115A.931 YARD WASTE PROHIBITION.**

1.9           (a) Except as authorized by the agency, in the metropolitan area after January 1,  
1.10       1990, and outside the metropolitan area after January 1, 1992, a person may not place  
1.11       yard waste:

1.12               (1) in mixed municipal solid waste;

1.13               (2) in a disposal facility; or

1.14               (3) in a resource recovery facility except for the purposes of reuse, composting, or  
1.15       cocomposting.

1.16           (b) [Renumbered 115A.03, subd 38]

1.17           (c) After September 1, 2009, any plastic bag containing yard waste delivered to  
1.18       and not removed from a yard waste compost facility located in a metropolitan county or  
1.19       yard waste generated in a metropolitan county and delivered to another county must  
1.20       meet all the specifications in ASTM Standard Specification for Compostable Plastics  
1.21       (D6400). For purposes of this paragraph, "metropolitan county" has the meaning given in  
1.22       section 473.121, subdivision 4, and "ASTM" has the meaning given in section 296A.01,  
1.23       subdivision 6.

2.1       Sec. 2. **[325E.046] BIODEGRADABLE STANDARD FOR PLASTIC BAGS.**

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

2.8             Subd. 2. **Enforcement; civil penalty; injunctive relief.** (a) A person who violates  
2.9 subdivision 1 is subject to a civil penalty of \$100 for each violation up to a maximum of  
2.10 \$5,000 and may be enjoined from such violations.

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

2.15       Sec. 3. **EFFECTIVE DATE.**

2.16             Sections 1 and 2 are effective the day following final enactment.