

HB21-1162

## HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVES Geitner and Soper

1 Amend printed bill, page 11, line 7, strike "**definition.**" and substitute  
2 "**exemption - certification.**".

3 Page 11, line 8, strike "(1)(b) AND (2)" and substitute "(1)(b), (2), AND  
4 (3)".

5 Page 11, after line 25 insert:

6        "(3) (a) THE PROHIBITION SET FORTH IN SUBSECTION (1) OF THIS  
7 SECTION DOES NOT APPLY TO EXPANDED POLYSTYRENE PRODUCTS THAT  
8 ARE MANUFACTURED WITH AT LEAST THE FOLLOWING AMOUNTS, BY  
9 WEIGHT, OF POST-CONSUMER RECYCLED RESIN:

10        (I) TEN PERCENT BY 2023;  
11        (II) TWENTY PERCENT BY 2025; AND  
12        (III) THIRTY PERCENT BY 2030.

13        (b) (I) COMMENCING JANUARY 1, 2023, A MANUFACTURER MAY  
14 CERTIFY IN WRITING, IN A MANNER AND FORM DETERMINED BY THE  
15 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND  
16 ENVIRONMENT, THAT EXPANDED POLYSTYRENE PRODUCTS THAT THE  
17 MANUFACTURER SELLS OR OFFERS FOR SALE AS CONTAINERS FOR  
18 READY-TO-EAT FOOD IN THIS STATE ARE MANUFACTURED IN ACCORDANCE  
19 WITH SUBSECTION (3)(a) OF THIS SECTION.

20        (II) THE EXECUTIVE DIRECTOR MAY REQUEST THAT A  
21 MANUFACTURER SUPPLY DOCUMENTATION SUPPORTING ITS CERTIFICATION  
22 CLAIMS. THE EXECUTIVE DIRECTOR SHALL TREAT ANY DOCUMENTATION  
23 RECEIVED FROM A MANUFACTURER PURSUANT TO THIS SUBSECTION  
24 (3)(b)(II) AS A TRADE SECRET AS DEFINED IN SECTION 7-74-102 (4).".

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