

**Onion River Cooperative - Board of Directors Meeting**  
**Remote Phone Meeting\***  
**Monday, March 23rd, 2020**

*\*To access the meeting please dial: 861-9796 (add 802 if dialing from outside for VT), after which you will be prompted for a bridge number (121) and then your name.*

<b>Time</b>	<b>Topic</b>	<b>Action/Result</b>	<b>Presenter</b>
6:00-6:10	<b>Preliminaries:</b> Welcome, introductions Review agenda Review minutes (1) Review action items (1)	Decide (a)	Faye
6:10-6:15	Open Member time	Members bring topics to the board's attention	Members
6:15-6:50	<b>GM reporting (2)</b> Monthly GM update Update on COVID-19 impact & response Revised B6: Emergency General Manager Succession	Learn, discuss (b)	John
6:50-7:00	<b>Board self-monitoring</b> D9: Board Terms of Office	Monitor, decide (c)	Caroline
7:00-7:05	Stretch Break	Stretch & rejuvenate	All
7:05-7:25	Act 69 (law regarding single use products) compliance (4)	Learn, discuss (d)	John, Brent
7:25-7:30	Open Board Time	Board members bring topics to the Board's attention	All
7:30-7:40	<b>Future planning</b> Open member time follow-up, if any CCMA Update Update on spring retreat Review calendar	Decide	Faye
7:40-7:45	<b>Wrap up</b> Action items, meeting evaluation	Assess	All
7:45-7:50	Stretch Break & transition to executive session phone line	Stretch & transition	All
7:50-8:35	<b>Executive Session</b> Staff Transition Additional COVID-19 Response updates	Learn, discuss	John
8:35	Adjourn		

## Attachments

1. Draft of last month's minutes and action items
2. GM Monthly Update
3. Act 69

## Meeting preparation

- a) Read the minutes and note any questions/corrections.
- b) Read the monthly GM update, note comments and questions, and come ready to discuss.
- c) Read the D9: Board Terms of Office policy and come ready to monitor.
- d) Review Act 69, note questions/comments for the discussion.

## **President's Note:**

Dear Board,

What a month. I want to thank each of you for all that you are doing to keep yourselves, your families, and our communities safe and healthy at this time. It takes us all practicing social distancing and doing what we can to support those who still need to interact with the public - like our incredible City Market staff - to help flatten the curve. In that vein, welcome to our first remote Board Meeting! We will be meeting this month over a conference call. While meeting over the phone isn't ideal, it is the most accessible way to meet for us all and our members. If we continue to meet remotely for our April meeting, we'll be looking into our other options, including video conferencing. So, for March, let's do our best to practice good conference call etiquette - join the call in a place with minimal distractions (as best you can), staying focused and engaged, muting when you aren't speaking, and contribute to the conversation.

We have shortened this meeting a bit, and are focusing on timely conversations like how the Co-op is preparing for implementation of Act 69 and updates to the B6 policy, and leaving space to hear updates and have a discussion about the impact of COVID-19 on the Co-op and how the Co-op's response continues to evolve.

Our discussion about Act 69 will focus on how we are preparing for its implementation on July 1st, including our decision to eliminate single use plastic bags at the Front End in April. We'll be coming back to a broader conversation about the Co-op's entire environmental framework in a future meeting when we can see a presentation and more easily engage in robust dialogue.

We'll transition to an executive session for the last portion of the meeting to touch on any confidential aspects in the Co-op's planning for different scenarios related to COVID-19 and recent staffing transitions. The Co-op's legal counsel, Kerin Stackpole, will be joining us for this executive session.

I look forward to connecting with you all on Monday.

Thank you and be well,  
Faye

## **Onion River Co-op/City Market**

Board of Directors Meeting

February 24, 2020

### **Board Attendance:**

Faye Mack, Board Member, President  
Eric Boehm, Board Member, Vice President  
Caroline Keller, Board Member  
Jody Landon, Board Members  
Jim Rudolph, Treasurer  
Allison Searson, Secretary  
Leah Soderquist, Board Member  
Kristina Sweet, Board Member

### **Absent:**

Joanna Grossman, Board Member

### **Also in attendance:**

Michael Healy, Board Facilitator  
John Tashiro, General Manager  
Caroline Aubry, Membership Manager  
Madelyn Cataford, Director of Finance  
Mae Quilty, Outreach & Education Manager  
Kiersten Hallquist, Member & Board Minutes-Taker  
Serrill Flash, Member  
Kiersten Wulff, UVM Nurse Practitioner Student

A quorum was established, and the meeting started at 6:02 PM.

### **Preliminaries**

#### Review Agenda

The agenda was accepted as written.

#### Review Minutes

The January 27, 2020 minutes were accepted as written.

#### Review Follow-Up Items

The Board review the Action Items list, and eight items were removed.

John proposed moving his share of the NCG survey and report that was presented at the Co-op Café to the next Board Retreat, to coincide with a 12-minute overview video.

### **Open Member Time**

The Board Members, special guests, City Market staff, and Members in attendance introduced themselves.

Kiersten introduced herself to the Board and shared she is attending as part of an assignment for her Leadership in Nursing and Healthcare course; she has selected City Market Board of Directors to observe as part of her course.

Kiersten, member and minutes-taker, shared her involvement in the Full Barrel Cooperative Brewery and Taproom as a member of the Board. She shared that there are four seats are open for the upcoming election and appreciates any help in spreading the word to anyone who might be interested in a cooperative board leadership position; applications are due March 04.

The Board asked clarifying questions.

### **Reflections from NOFA Conference**

The Board discussed attendance at the Northeast Organic Farming Association Conference, and shared their reflections.

Jody presented to the Board on her experience at the NOFA Conference, including sessions on migrant justice. Caroline K attended sessions on supporting small family organic forms (“Real Organic Project”) and working collective farms as well as other sessions.

Kristina attended as a representative of the Agency of Agriculture. She enjoyed listening to Krista Scruggs of Zappa Wine on how the Vermont wine industry has grown over the past few years. She also attended a session on “lean farming” (set of corporate/factory management techniques for continuous improvements of processes that are being modified to apply to other structures, like the office or farming work-environments).

Eric attended some of the conference on Sunday, including an excellent session on advocating for food access incorporation into municipal planning, presented by our very own Faye Mack!

Faye attended and led a workshop. She networked with a lot of stakeholders including but not limited to a Middlebury Food Cooperative board member, staff from City Market, and farmers who support cooperatives.

### **Elect Board Officers**

The Board voted on Board Officer Roles. The Board elected: Faye as president, Eric as Vice President, Jim as treasurer, and Alison as Secretary.

### **Board Perpetuation Discussion**

Faye shared the Board Perpetuation Committee Charter from last year. The Board reviewed background information about Board Perpetuation work, last year’s charter, and a provided memorandum on Board Perpetuation. Faye asked the Board to think about how they would like to move forward.

The Board reflected on the content, and shared reflections and priorities.

The Board has historically taken incremental steps to improving the process; they could continue this way forward or explore a bigger step, however, capacity to delivery is always a consideration. The Board wants to consider what phase of the work they want to focus on this year – this will

depend on the desired outcomes (i.e. number of candidates we get, the depth or diversity of the candidates, etc.).

Eric proposed dedicating more energy to preparing and educating members on how to discern between the candidates.

Faye feels the Board has done a good job in making candidacy accessible. She would like to see more diverse individuals accessing the content and tools that have been developed. This could be explored several ways: a nominations committee or opportunities between member work and Board, to have broader scales of engagement and to build more movement toward Board participation.

Leah shared a desire to cultivate more diverse networks. She sees the benefits that would occur across many aspects of the cooperative, beyond just the Board work.

Jim also shared expanding opportunities to recruits to help support diversifying the Board.

Faye proposed the development of a committee composed of two Board Members, John, and City Market staff to develop strategies to expand diversity for City Market (Board, staff, etc.) to better represent the population they serve. The committee would develop a proposed process and structure to increase diversity and present these to the Board, where formal structure will be further developed. Kristina, Caroline, and Jody volunteered to lead this initiative with John.

## **GM Update**

### Monthly GM Update

John presented his update to the Board. Highlights from John's updates included, but were not limited to, commendations for how his leadership and staff navigated the recent water boil advisory and future planning and ongoing support to fellow local cooperatives. Mae and Caroline A. shared updates on February initiatives including discount days, member incentives, and an employee membership drive, which received great feedback and data revealing successful outcomes.

The Board shared personal observations and asked clarifying questions.

### B4: Financial Condition

The Board performed the quarterly B4 Financial Condition review. John asked the Board to provide feedback on how board retreats and board meetings should be discerned in a report, and the Board shared some of their initial thoughts including the importance of board meetings over board retreats, and the importance of the GM to engage in a meaningful discussion as part of the Board retreat.

The Board shared personal observations and asked clarifying questions.

The Board reached consensus that the interpretation and the data were sufficient to demonstrate compliance. The Board accepted the report as demonstrating compliance with the policy, except where noted in the report. The Board accepted the report as written, with acknowledgement of noncompliance where noted.

## **Spring Retreat Planning**

The Board reviewed and planned for the Spring Retreat at the Intervale Farm.

Faye presented on some of the goals and objectives that have developed in the past few months; she shared an identified theme around membership and engaging with membership. The Board will discuss themes around member engagement and review data on membership. Work plan development for the upcoming fiscal year will also occur at the upcoming retreat.

The Board shared their general thoughts and reflections on the upcoming retreat theme and goals.

### **CCMA & NFCA Annual Meeting**

Faye presented on upcoming board education opportunities. The Board reviewed the information about the CCMA Annual Meeting, Theme: “Embracing our Diverse Identities”, June 04-06 (June 03 – 07 commitment, when including travel time), in Sioux Falls. The Board has budget enough to send 2-3 people to the conference. Faye provided an overview on how the final selection is made on who will attend (order of priority): board officers who have never attended before, board members who have never attended before, board officers who have attended before, and board members who have attended before. The following Board Members indicated their attendance interest/ability:

- Cannot Attend: Leah Soderquist, Eric Boehm, Jim Rudolph
- Maybe: Kristina Sweet, Allison Searson
- Yes: Caroline Keller, Jody Landon

The Board reviewed information about the National Food Cooperative Annual (NFCA) Meeting, in Greenfield, MA, on March 21. The Board received an extension on registration, however, had to decide on attendees at this February Board meeting. Faye is required to attend as a Board president. The following Board Members indicated interest in attending: Jody Landon. Hunger Mountain Cooperative will be providing a van for transportation to the meeting.

### **Open Board Time**

Kristina shared that there is a Maple Open House on March 21.

Jim thanked the Board for their “new daddy well wishes and care packages.” They feel so loved.

Faye shared member reflections on the recent water boil notice and how the store managed it, and questions she received from members regarding the incident. She received questions regarding employee pay and food waste during the event.

Jody shared her son works for Ben & Jerry’s as a manager in social activism initiatives and wanted to disclose the relationship with the Board. She hadn’t thought this was a conflict at the last meeting, when the Conflict of Interest forms were completed, however, her recent board education experiences has made her think more critically about this. The Board felt this was a potential conflict, but not an inherent one and decided Jody should fill out the conflict of interest document.

### **Future Planning**

#### Open Member Response

The Board thanks the members and guests in attendance. There was no commentary warranting a board response.

### Review Calendar

Allison signed up to review D1 - Governing Style and Jody signed up to review C2: GM Job Contribution, at the May meeting.

### **Wrap Up**

Faye shared her appreciation to Kiersten Wulff for attending and observing.

The Board shared their appreciation for the efficiency and effectiveness of the meeting, and that they are looking forward to the Board perpetuation work ahead.

### **Executive Session**

The Board moved into Executive Session at 7:59 PM.

The Board came out of Executive Session at 8:40 PM.

### **Adjourn**

The Board adjourned at 8:40 PM.

### **Action Items**

(Feb 2020)

**Kristina, Caroline, and Jody** will connect with John to begin planning for a committee to explore opportunities to better represent the diversity of the community City Market serves in the Board and staff.

**Faye, Eric, John & Michael** will draft the Board Retreat agenda for review at the March BOD meeting.

**John** will email out a deadline for Board members to indicate interest in the June CCMA conference (<https://ccma.coop/>).

**John** will reach out to Joanna to see if she would like to attend the NFCA meeting with Faye and Jody and a City Market staff member.

**Madelyn** will work with **Jody** to update Jody's Conflict of Interest form.

## General Manager's Monthly Report (in Support of the B-5 Policy)

March 23<sup>rd</sup>, 2020

In Policy B5.1, the Board asks that the GM “make the Board aware of relevant trends, public events of the organization, actual or potential actions and decisions related to public policy, or internal and external changes which affect the assumptions upon which Board policy has previously been submitted”

### What's Happening

*As a multi-store co-op, we have now completed our eight month of FY20! The evolving COVID-19 situation has been challenging and the Co-op has made some significant operational adjustments and changes as part of precautionary measures to address the safety of our staff and our Members, customers and the broader community. Management continues to monitor, evaluate and scenario plan around the evolving situation with regular communication to staff conveying best practices and actions recommended by the Department of Health, the CDC and information from the broader co-op network. We are also managing and navigating issue with the integrity of our supply chain and availability of core products. In parallel, we are continuing to address Member and customer inquiries, and share information in a timely manner to benefit the community. Further, we have postponed and/or canceled events and activities since early March throughout the end of the month and into early April with plans to provide on-going updates, where possible.*

- Our employee count at the end of February 2020 was 321 compared to 325 for the same period in 2019.
- February sales were \$4.16M, above budget by \$77,000. Year to Date (YTD) revenue is \$36.23M against a budget of \$36.26M giving us a variance of just -0.11% below the YTD budget.
- Prior to COVID-19, we closed both stores in mid-February for a day and a half due to a broken water main on Pine Street that resulted in the City issuing a Boil Water Advisory. The break caused a low-pressure situation that had the potential of introducing e-coli into the water system. Due to ongoing issues of this nature, which have resulted in previous store shutdowns, we have now put in place the equipment, systems and protocols to allow operations at both stores to continue during these types of events.
- People & Culture (P&C) have coordinated a year-long diversity initiative – quarterly selections (audio if requested) on books pertaining to such diversity and inclusion themes as: racial equity, gender identity, food justice, and identity politics. Our first gathering was schedule to take place with staff in mid-March 12<sup>th</sup> – discussing **Black is the Body** by Emily Bernard, a local author, but was postponed to a future date.
- P&C's Wellness Adventure 2020 is being well received with good participation. Below are some results from February of the adventure.
  - We had a total of 44 participants for the portion of the Wellness adventure earning an average of 75 points (2-3 activities).
  - We had 17 participants for the “Laughter is the Best Medicine” where employees submitted a joke challenge.
  - We had 15 Participants in the composting challenge.
  - We had 15 participants in the meditation training facilitated by Martha Whitney.
  - As seen in recent months, we had about 12 individual attending Sangha Yoga for a total of participating in 60 classes.
  - We had 9 individuals attend Petra Cliffs for climbing, totaling participation in 36 classes.
- City Market's Outreach and Education team hosted a variety of private programming for non-profits throughout the year and March started off as a busy month on that front! On March 5<sup>th</sup>, we co-hosted the first of a series of classes with the Intervale Center in our Community Teaching Kitchen for their Fair Share participants, individuals who qualify for free summer CSA shares.
- As part of an overall Food for All outreach initiative, the Membership team in Community Engagement had been visiting outreach partners and sharing information about our Food for All program, signing people up on the spot and sharing resources.
- On March 10<sup>th</sup>, we hosted a Staff Farm Tour to Boyden Farm with staff from Meat and Seafood, Purchasing, and Community Engagement in attendance.
- However, due to the rising COVID-19 concerns subsequently followed by directives and guidance from State and City official, we have postponed and cancelled a number of events including an information sharing via the WIC offices with service providers, a class for mentor/mentee pairs from King Street Center and Spectrum Youth Services as well as hosting a group from Champlain Community Services' Bridging Program to name a few.



- A number of trade shows that we regularly attend have also been postponed or cancelled due to COVID-19 concerns, including Natural Foods Expo West (Anaheim, CA) and Seafood Expo NA (Boston, MA).
- Finance and IT are managing various projects as follows:
  - The Finance has completed the manager's training on the web-based payroll scheduler, this goes live on March 15<sup>th</sup>. After Managers are comfortable with the scheduling system, (estimating 1-2 months), we will transition to using the scheduler for CBU staff as well.
  - The project to move to ACH payments for most of our vendors continues with a target date of late Spring.
  - The FY21 budget is in process with Management beginning work on future capital expenditure needs as well as staffing.
  - The majority of our large IT projects for FY20 are complete. Dominion Tech continues to work with us on documentation and implementing best practices for the IT Dept.
  - Plans around redundant Internet Service Providers for both locations have been slow due to lack of easy physical access into the buildings from a second telecom provider this work is currently ongoing
  - Work has begun on a multiyear Capital Expenditure plan for IT. This entails a full inventory of current IT infrastructure that is not currently managed by Dom Tech (cash registers, scales, handheld scanners, etc.). This will be a lengthy process but crucial to future planning.
  - Aging computer replacements continue to take place with approximately 5 left to replace in FY20.

#### South End (SE)

- In apparent response to COVID-19 by our customers, and with heavy center store volume, the first week of March proved to be our highest revenue generating week ever in the SE store, coming in at just over \$450k, and with an average basket size approximately \$4.50 (>10%) higher than our typical basket.
- With Hannaford scheduled to open in its new location on March 21st on Shelburne Road, which is much closer to our SE store, we will be closely monitoring any resulting impacts to our store sales, as well as feedback from customers that may prove useful to ensuring our continued strength in that market.
- While most organization are currently facing supply constraints of surface sanitizing products, resulting from COVID-19 panic buying, we are in a good position having installed the Pathosans system in our SE store last summer. This system produces an on-going supply of environmentally safe and highly effective sanitizer (as well as a cleaning agent), which we are able to use throughout our operations.
- We are working with a local supplier, Full Moon Farm, on compensation for one of our cart corrals that their delivery truck struck and damaged in mid-February requiring some significant repair work.

#### Downtown (DT)

- Although weekly sales data had been somewhat impacted (store closing from water advisory, COVID-19 driven sales), it doesn't initially appear that Jake's One Market, having opened in the Old North End during February, has had any real detectable impact on the DT sales. We will continue to monitor this situation as Jake's works to build its presence and customer base.
- Many of the planned upgrades to our electrical infrastructure have been completed. We are now in the process of acquiring (borrowing) an electrical analyzer from Burlington Electric, which collects data on fluctuations in the flow of power across systems, to ensure that the completed work has corrected the phase failures we had been experiencing.
- Two new compactor doors were fabricated and installed in early March, replacing what were two aging doors that were starting to deteriorate and become safety concerns for staff using those compactors.

**Finance**

Feb	DT	SE	Total	YTD FY20
Monthly Sales FY20 Actual	\$2,543,589	\$1,619,565	\$4,163,154	\$36,228,497
Monthly Sales FY20 Budget	\$2,610,457	\$1,474,983	\$4,085,439	\$36,268,903
Variance from Budget	(\$66,867)	\$144,582	\$77,715	(\$40,406)
% Var from Budget	-2.56%	9.80%	1.90%	-0.11%
Monthly Sales FY19	\$2,565,559	\$1,384,960	\$3,950,519	\$35,086,116
Variance from FY19	(\$21,970)	\$234,605	\$212,635	\$1,142,382
% Var from FY19	-0.86%	16.94%	5.38%	3.26%
<b>Avg. Daily Sales</b>				
FY20	\$87,661	\$55,817		
FY19	\$91,573	\$49,429		
% Var from FY19	-4.3%	12.9%		
<b>Avg. Basket Size</b>				
Member FY20	\$30.35	\$39.90		
Member FY19	\$28.64	\$37.59		
% Var from FY19	5.97%	6.15%		
Non-Member FY20	\$20.51	\$25.29		
Non-Member FY19	\$19.80	\$23.86		
% Var from FY19	3.59%	5.99%		
<b>Avg. Daily Register Transactions</b>				
FY20	3,595	1,671		
FY19	3,752	1,516		
% Var from FY19	-4.2%	10.2%		

**Rally for Change**

Feb		Total
Total Donations		\$18,946
10% Partner	Burlington Football Club	\$1,895
40% Partner	NOFA-VT	\$7,578
50% Partner	Feeding Chittenden	\$9,473

In addition, Feeding Chittenden (FC) received \$63 in cash, \$4,210 in product donations. Total with Rally is \$13,746

**Local Food**

Feb	DT	SE	Total
Local Food Sales FY20	\$946,500	\$593,008	\$1,539,508
Local Food Sales FY19	\$1,011,966	\$549,173	\$1,561,139
% Var from FY19	-6.92%	7.39%	-1.41%
% of Local Sales vs. Total Sales FY20	37.2%	36.6%	37.0%
% of Local Sales vs. Total Sales FY19	39.4%	39.7%	39.5%

### Organic and Fairly Traded Products

<b>Feb</b>	<b>DT</b>	<b>SE</b>	<b>Total</b>
Organic Produce Sales FY20	\$253,377	\$207,589	\$460,966
Organic Produce Sales FY19	\$259,162	\$170,529	\$429,691
% Var from FY19	-2.28%	17.85%	6.78%
# of Fair-Trade Products for Sale in FY20	324	349	394
# of Fair-Trade Products for Sale in FY19	332	324	390
% Var from FY19	-2.47%	7.16%	1.02%

### Co-op Membership

<b>Feb</b>	<b>DT</b>	<b>SE</b>	<b>Total</b>
Member Sales FY20	\$1,472,788	\$1,189,365	\$2,662,153
Member Sales FY19	\$1,567,185	\$1,016,527	\$2,583,712
% of Store Sales in FY20	57.9%	73.4%	63.9%
% of Store Sales in FY19	61.1%	73.4%	65.4%
New Members	55	48	103
<b>Feb</b>	<b>FY20</b>	<b>FY19</b>	<b>% Difference</b>
Membership	12,479	12,887	-3.2%
Partially Capitalized	9,141	9,686	-5.6%
Fully Capitalized	2,417	2,299	5.1%
Non-share Holding	921	902	2.1%
Member Worker Hours	1,725	1,244	38.7%
% of Member Worker Hours in Community	95.25%	91.81%	3.7%

### Food for All

<b>Feb</b>	<b>FY20</b>	<b>FY19</b>	<b>% Difference</b>
FFA Sales	\$171,235	\$148,068	15.6%
FFA Membership	1099	1108	-0.8%

### 3Squares/WIC

<b>Feb</b>	<b>FY20</b>	<b>FY19 *</b>	<b>% Difference</b>
3SquaresVT	\$58,235	\$41,500	40.3%

\* In Jan 2019 due to the Government shutdown, funds for Jan & Feb were released & spent by recipients in Jan 2019 thus resulting in the low Feb '19 sales

### **E-Commerce**

- Due to the resources and attention needed to address the store closings with the boil water advisory followed by the evolving COVID-19 situation, this project status remains unchanged. Recognizing the ever-changing fluidity and adjustments required with COVID-19, our Senior Management Team will not be able to conduct further work on this project for the foreseeable future. I will plan to provide a status update at the April Board Meeting.

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This act summary is provided for the convenience of the public and members of the General Assembly. It is intended to provide a general summary of the act and may not be exhaustive. It has been prepared by the staff of the Office of Legislative Council without input from members of the General Assembly. It is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

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**Act No. 69 (S.113). Conservation and land development; solid waste; single-use products; carryout bags**

**An act relating to the management of single-use products**

This act enacts multiple requirements for single-use products provided by a store or food establishment that go into effect July 1, 2020. A store or food establishment is prohibited from providing single-use plastic carryout bags. A “single-use plastic carryout bag” is a carryout bag that is made of plastic, is a single-use product, and is not a reusable grocery bag. A carryout bag is a bag provided by a store or food service establishment at the point of sale to transport groceries or retail goods. A carryout bag does not include: paper bags with a basis weight of 30 pounds or less; pharmacy bags for prescription medication; bags used inside a store to package loose items, frozen foods, meat, fish, or flowers; or dry cleaning bags.

A store or food service establishment may provide a consumer a recyclable paper carryout bag at the point of sale if the bag is provided for a charge of not less than \$0.10 per bag. The monies collected are retained by the store or food service establishment. A recyclable paper carryout bag is defined as a carryout bag that is made of paper and is recyclable.

The act prohibits a food service establishment from selling or providing a single-use plastic straw to a customer, except upon request of a person. Hospitals, nursing homes, residential care homes, assisted living homes, and independent living facilities are exempt. The Public Accommodation Act still applies if a person needs a straw to accommodate a disability or medical condition. The act also prohibits a food service establishment from providing a single-use plastic stirrer to a customer.

A person shall not sell an expanded polystyrene food service product in the State. A store or food service establishment shall not provide food or beverages in expanded polystyrene food service products. An “expanded polystyrene food service product” is a product made of expanded polystyrene that is used to sell or provide food or beverages to be used once for eating or drinking or is generally recognized as an item to be discarded after one use. Several uses are exempt, and a person may store or package a food or beverage in an expanded polystyrene food service product for distribution out of State.

A person, store, or food service establishment that violates any of the prohibitions established under the act is subject to a civil penalty. A store or food

service may provide a carryout bag, single-use plastic straw, single-use stirrer, or expanded polystyrene food service product purchased prior to May 15, 2019 if the product is provided to a consumer on or before July 1, 2021. The act preempts municipal law that regulates single-use plastic carryout bags; single-use, recyclable paper carryout bags; single-use plastic straws; single-use plastic stirrers; and expanded polystyrene food service products.

The act creates the Single-Use Products Working Group to evaluate current State and municipal requirements for management of unwanted single-use products and recommend to the General Assembly how to improve statewide management of single-use products, divert single-use products from landfills, and prevent contamination by discarded single-use products.

Multiple effective dates, beginning on June 17, 2019

