

LEGISLATIVE BILL 325

Approved by the Governor May 9, 1989

Introduced by Hefner, 19; R. Johnson, 34; Morrissey, 1; Nelson, 35; Beck, 8; L. Johnson, 15; Smith, 33; Pirsch, 10; Schimek, 27; Scofield, 49; Peterson, 21; Elmer, 38; Schellpeper, 18; Abboud, 12; Lindsay, 9

AN ACT relating to environmental protection; to adopt the Degradable Products Act.

Be it enacted by the people of the State of Nebraska,

Section 1. Sections 1 to 12 of this act shall be known and may be cited as the Degradable Products Act.

Sec. 2. For purposes of the Degradable Products Act, the definitions found in sections 3 to 7 of this act shall be used.

Sec. 3. Biodegradable shall mean degradable through a process by which fungi or bacteria secrete enzymes to convert a complex molecular structure to simple gasses and organic compounds.

Sec. 4. Degradable shall mean capable of decomposing or deteriorating through a natural chemical process into harmless components after exposure to natural elements for not more than one year.

Sec. 5. Photodegradable shall mean degradable through a process in which ultraviolet radiation in sunlight causes a chemical change in a material.

Sec. 6. Recyclable shall mean suitable for any process of separating, cleaning, treating, and reconstituting waste or other discarded materials for the purpose of recovering or reusing the resources contained therein.

Sec. 7. Retail shall mean sale for use or consumption and not for resale in any form.

Sec. 8. On and after January 1, 1991, a person shall not sell or offer for sale at retail any beverage for human consumption if the beverage container is connected to another beverage container by a device which is constructed of a material which is not biodegradable or photodegradable.

Sec. 9. On and after January 1, 1992, a person shall not sell or offer for sale at retail any bag used for or intended to be used for grass clippings, garbage, yard waste, or leaves which is constructed of a

material which is not biodegradable or photodegradable.

Sec. 10. On and after January 1, 1992, a person shall not sell or offer for sale at retail any bag used for or intended to be used for groceries or shopping which is constructed of a material which is not biodegradable, photodegradable, or recyclable.

Sec. 11. On and after October 1, 1993, a person shall not sell or offer for sale at retail any disposable diaper which is constructed of a material which is not biodegradable or photodegradable if the Director of Environmental Control determines that biodegradable or photodegradable disposable diapers are readily available at a comparable price and quality. The determination of quality shall include a study of the environmental impact and fate of such disposable diapers. The director shall issue his or her determination to the Legislature on or before October 1, 1992. For purposes of this section (1) readily available shall mean available for purchase in sufficient quantities to meet demand through usual retail channels throughout the state and (2) comparable price and quality shall mean at a cost not in excess of five percent above the average price for products of comparable quality which are not biodegradable or photodegradable.

Sec. 12. Any person violating sections 8 to 11 of this act shall be guilty of a Class III misdemeanor.