

SENATE BILL No. 386

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-20-26; IC 34-30-2-51.3; IC 35-52-13-8.3.

Synopsis: Producer recycling of waste packaging and paper. Requires every producer of a product or material that results in waste packaging or waste printed paper to register with the department of environmental management (department) and, either singly or jointly with one or more other producers, to submit to the department for approval a producer recycling program plan under which the producer or group of producers will provide for or finance the recycling of packaging and printed paper. Provides that a proposed producer recycling program plan must include a description of the methods by which packaging and printed paper will be collected from households in a convenient manner in all parts of Indiana and recycled, an explanation of how the plan will be financed, and other contents. Requires a producer or group of producers to solicit comments and input from stakeholders on its proposed producer recycling program plan. Provides that the department may require a producer or group of producers to revise a producer recycling program plan that does not meet the requirements of the law. Requires that a producer recycling program plan, once accepted by the department, be updated every two years. Establishes goals of: (1) recycling 50% of all household packaging and printed paper by July 1, 2022; and (2) recycling 60% of all household packaging and printed paper by July 1, 2025. Exempts a producer of packaging or printed paper with gross sales in Indiana of less than \$250,000 per year from compliance with these requirements, and provides that a producer of packaging or printed paper with gross sales in Indiana of at least \$250,000 but less than \$500,000 is required to pay an annual fee to a producer recycling organization of not more than \$750 but is not otherwise required to comply with these requirements.

Effective: July 1, 2016.

Stoops

January 12, 2016, read first time and referred to Committee on Environmental Affairs.



Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE BILL No. 386

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-20-26 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]:

4 **Chapter 26. Market Based Recycling Program for Packaging**
5 **and Printed Paper**

6 **Sec. 1. The general assembly makes the following declarations:**

7 **(1) It is the policy of Indiana:**

8 **(A) to obtain, to the extent practicable, economic benefits**
9 **from the recovery of solid waste and reuse of material and**
10 **energy resources;**

11 **(B) to develop Indiana's recycling industry by promoting**
12 **the successful development of markets for recycled items**
13 **and by promoting the acceleration and advancement of the**
14 **technology used in manufacturing processes that use**
15 **recycled items; and**

16 **(C) to encourage counties, municipalities, and state**
17 **agencies to contract with private persons for any or all the**



- 1 services in order to ensure that the services are provided
 2 in the most cost effective manner.
- 3 (2) The goal of Indiana is to foster partnerships between the
 4 public and private sectors that strengthen the supply of, and
 5 demand for, recyclable and reusable materials and that foster
 6 opportunities for economic development from the recovery
 7 and reuse of materials.
- 8 **Sec. 2. The general assembly makes the following findings:**
- 9 (1) The recycling of waste packaging and waste printed paper
 10 recovers valuable materials for reuse and will create jobs and
 11 expand the tax base of Indiana.
- 12 (2) **Producer driven market based recycling programs:**
- 13 (A) can improve collection efficiency, increase quality and
 14 value of collected materials, and create economies of scale
 15 to reduce expenses;
- 16 (B) leverage the business community's experience with
 17 distribution networks, supply chains, and customers to
 18 create more efficient systems that achieve much higher
 19 recovery rates; and
- 20 (C) have the ability to cut costs for businesses and
 21 organizations by decreasing energy and raw material
 22 expenditures.
- 23 (3) **Producer driven market based recycling programs for**
 24 **packaging and printed paper are an efficient way to provide**
 25 **recycling services to all citizens of Indiana.**
- 26 **Sec. 3. As used in this chapter, "commodity" means a**
 27 **subcategory of material type that can be processed and sold by**
 28 **material recovery facilities. Commodities include aluminum, steel,**
 29 **distinct plastic resins and paper grades, and glass containers.**
- 30 **Sec. 4. As used in this chapter, "household" means the occupant**
 31 **or occupants of:**
- 32 (1) a single detached dwelling unit; or
- 33 (2) a single unit of a multiple dwelling structure;
- 34 located in Indiana.
- 35 **Sec. 5. (a) As used in this chapter, "material type" means a**
 36 **broad category of packaging distinguished by the raw material**
 37 **used in its manufacturing.**
- 38 (b) **Material types include the following:**
- 39 (1) **Metal.**
- 40 (2) **Glass.**
- 41 (3) **Plastic.**
- 42 (4) **Paper.**



- 1 **Sec. 6. (a) As used in this chapter, "packaging" means:**
 2 **(1) any package or container; or**
 3 **(2) any part of a package or container;**
 4 **that includes material used for the containment, protection,**
 5 **handling, delivery, and presentation of goods sold, offered for sale,**
 6 **delivered, or distributed to households in Indiana.**
 7 **(b) The term does not include any package or container that:**
 8 **(1) is used solely for the transportation, display, or storage of**
 9 **products; and**
 10 **(2) would not customarily find its way into households.**
 11 **Sec. 7. (a) As used in this chapter, "printed paper" means paper**
 12 **that is:**
 13 **(1) sold, offered for sale, delivered, or distributed to**
 14 **households in Indiana; and**
 15 **(2) printed with text or graphics as a medium for**
 16 **communicating information.**
 17 **(b) The term includes the following:**
 18 **(1) Newsprint and inserts.**
 19 **(2) Magazines and catalogs.**
 20 **(3) Direct mail.**
 21 **(4) Telephone directories.**
 22 **(c) The term does not include:**
 23 **(1) paper that is defined as packaging;**
 24 **(2) bound reference books;**
 25 **(3) bound literary books; or**
 26 **(4) bound textbooks.**
 27 **Sec. 8. As used in this chapter, "producer" means any of the**
 28 **following:**
 29 **(1) A person that has legal ownership of the brand, brand**
 30 **name, or co-brand of a product or material that:**
 31 **(A) is:**
 32 **(i) sold;**
 33 **(ii) offered for sale;**
 34 **(iii) delivered; or**
 35 **(iv) distributed;**
 36 **in Indiana; and**
 37 **(B) results in waste packaging or waste printed paper;**
 38 **regardless of whether the producer is located in Indiana.**
 39 **(2) A person that makes an unbranded product that:**
 40 **(A) is sold, offered for sale, or distributed in Indiana; and**
 41 **(B) results in waste packaging or waste printed paper.**
 42 **(3) A person that:**



- 1 (A) sells packaging and printed paper at retail;
 2 (B) does not have legal ownership of the brand; and
 3 (C) elects to fulfill the responsibilities of the producer for
 4 the product.
- 5 Sec. 9. As used in this chapter, "producer recycling
 6 organization" means an organization designated by a group of
 7 producers to act as the producers' agent in developing and
 8 operating a producer recycling program for packaging and printed
 9 paper.
- 10 Sec. 10. (a) As used in this chapter, "producer recycling
 11 program" means a program under which a producer:
 12 (1) provides for; or
 13 (2) finances;
 14 the recycling of packaging and printed paper.
- 15 (b) The term includes:
 16 (1) education concerning the recycling of packaging and
 17 printed paper; and
 18 (2) the collection of packaging and printed paper for
 19 recycling.
- 20 Sec. 11. As used in this chapter, "program plan" or "plan"
 21 means a detailed plan required under this chapter that describes
 22 the manner in which a producer or group of producers will
 23 implement and finance a producer recycling program.
- 24 Sec. 12. As used in this chapter, "recycler" means a person that
 25 recycles waste packaging and waste printed paper.
- 26 Sec. 13. As used in this chapter, "recycling rate" means, of all:
 27 (1) packaging and printed paper; or
 28 (2) other material type or marketable commodity;
 29 that is sold, offered for sale, delivered, or distributed to households
 30 in Indiana, the percentage that is collected, processed, and
 31 delivered for use in manufacturing processes or for the recycling
 32 of usable materials.
- 33 Sec. 14. (a) As used in this chapter, "retailer" means a person
 34 that offers packaging and printed paper for sale in Indiana at retail
 35 through any means, including remote offerings such as sales
 36 outlets, catalogs, or the Internet.
- 37 (b) For purposes of this section, "sale at retail" does not include
 38 a sale that is a wholesale transaction with a distributor or a
 39 retailer.
- 40 Sec. 15. As used in this chapter, "reuse" means a process by
 41 which packaging or printed paper is used again without the process
 42 of manufacturing for the same purpose for which it was originally



- 1 manufactured.
- 2 **Sec. 16. (a)** As used in this chapter, "sell" or "sale" means any
3 transfer for consideration of:
- 4 (1) title; or
5 (2) the right to use;
6 by lease or sales contract.
- 7 **(b)** The term includes transactions that are conducted through:
8 (1) sales outlets;
9 (2) catalogs; or
10 (3) the Internet or another similar electronic means either
11 inside or outside of Indiana;
12 by a person who conducts the transaction and controls the delivery
13 of packaging and printed paper.
- 14 **(c)** The term does not include a manufacturer's or distributor's
15 wholesale transaction with a distributor or a retailer.
- 16 **Sec. 17.** As used in this chapter, "unit of local government" has
17 the meaning set forth in IC 36-1-2-23.
- 18 **Sec. 18. (a)** A producer of packaging or printed paper sold or
19 distributed in Indiana may fulfill the requirements of this chapter
20 by participating in a joint producer recycling program plan:
21 (1) operated by the producer along with other producers; or
22 (2) operated by a producer recycling organization.
- 23 **(b)** Producers are authorized to act in cooperation with the
24 department, units of local government, commodity associations,
25 retailers, waste haulers, and recyclers in order to maximize the
26 recycling of household packaging and printer paper disposed of in
27 Indiana.
- 28 **Sec. 19. (a)** A producer of packaging or printed paper with gross
29 sales in Indiana of less than two hundred fifty thousand dollars
30 (\$250,000) per year is exempt from the requirements of this
31 chapter.
- 32 **(b)** A producer of packaging or printed paper with gross sales
33 in Indiana of at least two hundred fifty thousand dollars (\$250,000)
34 but less than five hundred thousand dollars (\$500,000) shall pay an
35 annual fee to a producer recycling organization of not more than
36 seven hundred fifty dollars (\$750) but is not required to pay any
37 other fees required by this chapter or to comply in any other way
38 with this chapter.
- 39 **Sec. 20. (a)** After June 30, 2018, each producer, before selling or
40 offering for sale in Indiana products or material that would result
41 in waste packaging or waste printed paper in Indiana, shall
42 register with the department.



- 1 **(b) Each producer, whether acting:**
 2 **(1) individually; or**
 3 **(2) jointly under section 18(a) of this chapter;**
 4 shall develop, submit to the department, and, after obtaining the
 5 department's approval, implement a producer recycling program
 6 plan for the collection and recycling of packaging and printed
 7 paper discarded by households in Indiana.
- 8 **(c) A producer, acting either individually or as a member of a**
 9 **group of producers acting jointly under section 18(a) of this**
 10 **chapter, shall submit a proposed producer recycling program plan**
 11 **to the department not more than ninety (90) days after registering**
 12 **with the department under subsection (a). The plan must include**
 13 **all of the following:**
- 14 **(1) Contact information for:**
 15 **(A) the individual representing the entity submitting the**
 16 **plan; and**
 17 **(B) if applicable, all producers participating in the joint**
 18 **producer recycling program plan as authorized under**
 19 **section 18(a) of this chapter.**
- 20 **(2) A description of:**
 21 **(A) the methods by which packaging and printed paper**
 22 **will be collected, transported, processed, and recycled**
 23 **from households in a convenient manner in all parts of**
 24 **Indiana, with an explanation of how existing infrastructure**
 25 **may be used;**
 26 **(B) how the:**
 27 **(i) producer; or**
 28 **(ii) if applicable, producers operating under a joint**
 29 **producer recycling program plan;**
 30 **will provide for environmentally sound management**
 31 **practices to transport and recycle discarded packaging and**
 32 **printed paper;**
 33 **(C) how the:**
 34 **(i) producer; or**
 35 **(ii) if applicable, producers operating under a joint**
 36 **producer recycling program plan;**
 37 **will finance the plan, including how any fee structure**
 38 **complies with the requirements of section 23(b) of this**
 39 **chapter;**
 40 **(D) how the existing recycling infrastructure will be**
 41 **enhanced so as to achieve:**
 42 **(i) a minimum recycling rate of fifty percent (50%) for**



- 1 packaging and printed paper by 2022; and
 2 (ii) proposed annual interim recycling goals for
 3 recyclable packaging and printed paper for the years
 4 preceding 2022;
 5 (E) proposed activities that will develop markets for
 6 packaging that is not readily recyclable and proposed
 7 options available to encourage domestic use of recycled
 8 materials;
 9 (F) potential joint activities with the department and the
 10 Indiana economic development corporation to identify
 11 ways in which the proposed producer recycling program
 12 can generate local infrastructure investment, business
 13 development, and job creation related to the collection,
 14 transportation, and processing of post-consumer
 15 packaging materials;
 16 (G) a process for determining:
 17 (i) how much packaging and printed paper is sold into
 18 Indiana each year; and
 19 (ii) the amount of packaging and printed paper that is
 20 recovered and recycled;
 21 (H) strategies for promoting the producer recycling
 22 program plan of the producer or producers to residents,
 23 retailers, wholesalers, collectors, and other interested
 24 parties; and
 25 (I) how the producer or producers will provide recycling
 26 services throughout Indiana, particularly to underserved
 27 and rural communities.
 28 (3) A set of targets for recycling rates for each marketable
 29 commodity, including at least the following:
 30 Steel cans.
 31 Aluminum beverage containers.
 32 Aluminum not used for beverages.
 33 Polyethylene terephthalate (PET) beverage containers.
 34 PET not used for beverages.
 35 High density polyethylene (HDPE).
 36 Polyvinyl chloride (PVC).
 37 Low density polyethylene (LDPE).
 38 Polypropylene (PP).
 39 Polystyrene (PS).
 40 Plastic bags and film plastic, including flexible film
 41 packaging.
 42 Beverage container glass.



- 1 **Glass containers not used for beverages.**
 2 **Newsprint.**
 3 **Magazines, catalogs, and other coated paper.**
 4 **Telephone directories.**
 5 **Corrugated cardboard.**
 6 **Paperboard.**
 7 **Aseptic packaging and cartons.**
 8 **Other types of paper.**
 9 **(4) Information on stakeholder input on a proposed plan, or**
 10 **update to a plan as required by subsection (d).**
 11 **(d) Before submitting a producer recycling program plan or an**
 12 **update to the department, each producer or group of producers**
 13 **acting jointly under section 18(a) of this chapter shall solicit**
 14 **comments and input from stakeholders, including:**
 15 **(1) retailers;**
 16 **(2) waste haulers;**
 17 **(3) recyclers;**
 18 **(4) units of local government;**
 19 **(5) consumers; and**
 20 **(6) members of the public;**
 21 **on the proposed plan or update generally and on how Indiana's**
 22 **recycling system could be made more cost effective and efficient.**
 23 **The producer or group of producers shall attempt to address any**
 24 **concerns expressed by stakeholders before submitting the plan or**
 25 **update to the department for review. Comments received from**
 26 **stakeholders shall be submitted to the department, and the**
 27 **department shall consider the comments in reviewing the proposed**
 28 **plan or update.**
 29 **Sec. 21. (a) By July 1, 2022, producers shall achieve an annual**
 30 **recycling rate of fifty percent (50%) by weight for all household**
 31 **packaging and printed paper sold into Indiana.**
 32 **(b) By July 1, 2025, producers shall achieve an annual recycling**
 33 **rate of sixty percent (60%) by weight for all household packaging**
 34 **and printed paper sold into Indiana.**
 35 **(c) Other recycling rate targets by material type and commodity**
 36 **shall be included in each producer recycling program plan as**
 37 **described in section 20(c)(3) of this chapter.**
 38 **Sec. 22. (a) Beginning July 1, 2020, and every two (2) years**
 39 **thereafter, a producer or a group of producers acting jointly under**
 40 **section 18(a) of this chapter shall update its producer recycling**
 41 **program plan and submit it to the department for review and**
 42 **approval.**



1 **(b) Updates to a producer recycling program plan submitted**
 2 **under this section must incorporate measures to add or enhance:**

- 3 **(1) recycling service and technical assistance for underserved**
 4 **locations, such as public property, office buildings, and food**
 5 **service establishments; and**
 6 **(2) recycling service for products and material not previously**
 7 **capable of being recycled.**

8 **(c) Producers updating producer recycling program plans under**
 9 **this section may consult with the department concerning technical**
 10 **assistance to businesses.**

11 **(d) The department may require a producer to revise a**
 12 **producer recycling program plan if the department finds that the**
 13 **plan does not meet the requirements of this chapter.**

14 **Sec. 23. (a) Each:**

- 15 **(1) producer operating individually; or**
 16 **(2) group of producers operating jointly under section 18(a)**
 17 **of this chapter;**

18 **is responsible for all costs associated with the development and**
 19 **implementation of its producer recycling program plan, including**
 20 **all costs of collecting and recycling packaging and printed paper**
 21 **discarded by households in Indiana. A producer or group of**
 22 **producers shall not collect a fee from a household at the time**
 23 **packaging and printed paper is collected for recycling.**

24 **(b) A group of producers acting jointly under section 18(a) of**
 25 **this chapter may in their joint producer recycling program plan**
 26 **propose a fee structure to be imposed on participating producers**
 27 **to generate revenue sufficient to implement the plan. The following**
 28 **may be considered in establishing a fee structure under this**
 29 **subsection:**

- 30 **(1) Fees that reward a producer's use of post-consumer**
 31 **material content.**
 32 **(2) Fees that reward higher recycling rates for marketable**
 33 **commodity types.**
 34 **(3) Fees that reward a producer's use of materials that have**
 35 **higher post-consumer material value.**
 36 **(4) Fees that reward a producer's use of materials with lower**
 37 **relative processing costs.**
 38 **(5) Fees that reward a producer's use of reusable or refillable**
 39 **packaging.**

40 **(c) Every year, a producer recycling organization operating a**
 41 **joint producer recycling program plan under section 18(a)(2) of**
 42 **this chapter shall return to the participating producers any fund**



1 balance exceeding ten percent (10%) of cash reserves. The amount
 2 returned to each producer must be in proportion to the annual
 3 contributions of the producers. However, an excess fund balance
 4 may not be returned to participating producers under this
 5 subsection unless the producers have met the recycling rate targets
 6 set forth in their joint producer recycling program plan under
 7 section 20(c)(3) of this chapter.

8 (d) To support the department's efforts to review, audit, and
 9 enforce producer recycling program plans, a producer, or a group
 10 of producers acting jointly under section 18(a) of this section, shall
 11 pay to the department:

12 (1) an initial registration fee within ninety (90) days of
 13 registering with the department under section 20 of this
 14 chapter; and

15 (2) an annual renewal registration fee not later than July 1 of
 16 each year.

17 (e) The department shall set the fees imposed by subsection (d)
 18 at an amount that, when paid by all producers acting individually
 19 and groups of producers acting jointly, would produce revenue not
 20 greater than the department's full costs of administering and
 21 enforcing this chapter, including any program development costs
 22 or regulatory costs incurred by the department before producers
 23 begin submitting producer recycling program plans under this
 24 chapter. The costs determined by the department for purposes of
 25 this subsection must be transparent and must be stated to the
 26 public on the department's Internet web site. The department shall
 27 publish the amounts of the fees set under this subsection on the
 28 department's Internet web site not later than January 1, 2018.

29 (f) The proceeds of the fees paid under subsection (d) shall be
 30 deposited in the producer recycling management fund established
 31 by section 24 of this chapter.

32 Sec. 24. (a) The producer recycling management fund is
 33 established for the purpose of administering this chapter. The fund
 34 shall be administered by the department.

35 (b) The expenses of administering the fund shall be paid from
 36 money in the fund.

37 (c) The treasurer of state shall invest the money in the fund not
 38 currently needed to meet the obligations of the fund in the same
 39 manner as other public money may be invested.

40 (d) Money in the fund at the end of a state fiscal year does not
 41 revert to the state general fund.

42 (e) Sources of money for the fund are the following:



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- (1) Fees paid under section 23(d) of this chapter.**
- (2) Appropriations made by the general assembly.**
- (3) Gifts and donations intended for deposit in the fund.**

Sec. 25. Not later than October 1 of each year beginning on October 1, 2019, each producer or group of producers acting jointly shall submit a report to the department on the producer's or producers' activities under this chapter for the preceding year.

At a minimum, the report must include all of the following:

- (1) The recycling rate of the producer or producers for each material type and marketable commodity for which recycling rate targets were included in the producer recycling program plan of the producer or group of producers under section 20(c)(3) of this chapter.**
- (2) A discussion of the methodology used by the producer or producers in determining how much packaging was sold into Indiana during the year and the amount of material recycled.**
- (3) An assessment of the progress of the producer or producers toward achieving target recycling rates, as assessed separately for each material type and marketable commodity.**
- (4) An explanation of:**
 - (A) any deviations by the producer or producers from the approved producer recycling program plan; and**
 - (B) actions proposed to achieve compliance with the approved plan.**
- (5) An evaluation of the effectiveness of the producer recycling program financing system established by this chapter in promoting reduction and recycling and reflecting actual costs to manage particular material types and marketable commodities.**
- (6) If applicable, a list of producers participating in the joint producer recycling program plan under section 18(a) of this chapter that are in arrears in paying fees under section 23 of this chapter.**
- (7) The public education and outreach activities performed by the producer or producers, including an analysis of the activities' effectiveness based on annual random consumer surveys.**
- (8) A description of activities undertaken and funds spent in promoting domestic use of recyclable materials and for market development.**
- (9) A description of any joint activities undertaken with the department and the Indiana economic development**



1 corporation to identify ways of generating local infrastructure
 2 investment, business development, and job creation related to
 3 the collection, transportation, and processing of
 4 post-consumer packaging materials.

5 (10) Other information the department may request in order
 6 to evaluate the effectiveness of the producer recycling
 7 program plan of the producer or producers.

8 **Sec. 26.** Each producer or group of producers acting jointly
 9 under section 18(a) of this chapter shall provide information about
 10 the producer's or group's producer recycling program plan in
 11 writing to all persons selling or distributing a product of the
 12 producer or producers in Indiana. Written notice must be provided
 13 to sellers and distributors under this subsection at least sixty (60)
 14 days before a producer or group of producers begins implementing
 15 an approved producer recycling program plan or a producer
 16 recycling program plan that has been updated under section 22 of
 17 this chapter. This chapter does not impose any requirements upon
 18 retailers or distributors.

19 **Sec. 27.** The environmental rules board may adopt rules under
 20 IC 4-22-2 and IC 13-14-9 concerning the administration of this
 21 chapter.

22 **Sec. 28. (a)** A producer or group of producers acting jointly
 23 under section 18(a) of this chapter is immune from liability under
 24 IC 24-1 or any other antitrust law of Indiana in connection with
 25 actions taken with other producers or groups of producers to
 26 discharge responsibilities imposed by this chapter.

27 **(b)** A producer or group of producers acting jointly shall not:

28 **(1)** use funds that are collected under section 23(b) of this
 29 chapter or otherwise generated under this chapter:

30 **(A)** to disparage or make false or misleading claims against
 31 packaging material types; or

32 **(B)** for the purpose of influencing legislation or
 33 governmental action other than to amend a producer
 34 recycling program plan; or

35 **(2)** charge a visible fee to households, consumers, or
 36 businesses to pay costs associated with compliance with this
 37 chapter.

38 **Sec. 29. (a)** The department shall review each producer
 39 recycling program plan submitted under:

40 **(1)** section 20 of this chapter; or

41 **(2)** section 22 of this chapter, in the case of an updated plan;
 42 for compliance with this chapter. Within sixty (60) days after a



1 producer recycling program plan is submitted, the department
 2 shall in writing notify the producer or group of producers that
 3 submitted the plan whether the plan has been approved or
 4 rejected.

5 (b) If the department rejects a producer recycling program
 6 plan, the department shall in writing notify the producer or group
 7 of producers that submitted the plan of the department's reasons
 8 for rejecting the plan. A producer or group of producers whose
 9 plan has been rejected by the department must submit a revised
 10 plan to the department not more than sixty (60) days after
 11 receiving notice of the rejection.

12 **Sec. 30. The department shall do the following:**

13 (1) Develop and maintain a list of producers that are in
 14 compliance with the requirements of this chapter and post the
 15 list to the department's Internet web site.

16 (2) Develop and maintain on the department's Internet web
 17 site a data base of approved producer recycling program
 18 plans and include each approved producer recycling program
 19 plan in the data base not more than thirty (30) days after the
 20 department approves the plan.

21 (3) Develop and implement a program of public education
 22 concerning:

23 (A) the laws governing the recycling and reuse of
 24 packaging and printed paper; and

25 (B) the methods available to consumers to recycle and
 26 reuse packaging and printed paper.

27 (4) Make the information for consumers referred to in
 28 subdivision (3)(B) available on the department's Internet web
 29 site and provide technical assistance to producers in
 30 promoting their recycling programs to residents, retailers,
 31 wholesalers, collectors, and other interested parties under
 32 section 20(c)(2)(H) of this chapter.

33 (5) Maintain the confidentiality of any information that is
 34 required to be submitted by a manufacturer under this
 35 chapter and that is a trade secret as defined in IC 24-2-3-2.

36 **Sec. 31. (a) Beginning in 2019, the department shall include**
 37 **information on the recycling of packaging and printed paper**
 38 **discarded by households in Indiana in the annual report produced**
 39 **by the department under IC 13-19-1-2. The information must**
 40 **include:**

41 (1) an evaluation of the recycling rates in Indiana for
 42 packaging and printed paper discarded by households in



- 1 **Indiana;**
 2 **(2) a discussion of compliance and enforcement related to the**
 3 **requirements of this chapter; and**
 4 **(3) any recommendations the department may wish to make**
 5 **for changes to the system of collection and recycling of**
 6 **packaging and printed paper discarded by households in**
 7 **Indiana.**
 8 **(b) In addition, the information included in the report under**
 9 **subsection (a) must include all of the following:**
 10 **(1) The overall recycling rate for each material type and**
 11 **marketable commodity.**
 12 **(2) The costs to the department of administering the**
 13 **requirements of this chapter and the total amount of fees**
 14 **collected from producers under section 23(d) of this chapter.**
 15 **(3) A description of the collection programs established under**
 16 **this chapter, including the location of collection sites.**
 17 **(4) A summary of comments received from producers and**
 18 **other stakeholders under this chapter.**
 19 **(5) Recommendations to improve the operation of the**
 20 **producer recycling program established under this chapter.**
 21 **(c) The department shall consult with units of local government**
 22 **to determine how producer activities conducted under this**
 23 **chapter:**
 24 **(1) will allow for; and**
 25 **(2) are affecting;**
 26 **the recycling activities of units of local government.**
 27 **Sec. 32. The department may participate in the establishment of**
 28 **a regional multistate organization or compact to assist in carrying**
 29 **out the requirements of this chapter and to promote uniformity in**
 30 **administration among all participating states.**
 31 **Sec. 33. (a) After June 30, 2018, subject to the exemptions in**
 32 **section 19 of this chapter, a person may not sell, offer for sale,**
 33 **barter, exchange, give, or distribute in Indiana a product that**
 34 **would result in waste packaging or waste printed paper unless the**
 35 **producer of the product participates individually, or jointly with**
 36 **other producers under section 18(a) of this chapter, in an approved**
 37 **producer recycling program plan for waste packaging and printed**
 38 **paper under this chapter. A person who knowingly or intentionally**
 39 **violates this section commits a Level 6 felony.**
 40 **(b) If a producer is injured by a violation of this chapter by**
 41 **another producer, the injured producer has a private right of**
 42 **action against the other producer.**



1 **Sec. 34. (a) A unit of local government or solid waste**
 2 **management district established under IC 13-21 may not assess a**
 3 **fee to households:**

4 **(1) for collection and recycling services that it no longer**
 5 **provides because the services are provided by a producer or**
 6 **group of producers; or**

7 **(2) for collection and recycling costs for which a unit of local**
 8 **government is reimbursed by producers;**

9 **under this chapter.**

10 **(b) This chapter does not void or otherwise impair any existing**
 11 **contracts between a unit of local government and any entity for**
 12 **collection and recycling services.**

13 **(c) A unit of local government may elect not to participate in a**
 14 **producer recycling program conducted under this chapter. To**
 15 **make an election under this subsection, a unit of local government**
 16 **must notify the department in writing of its election. A local**
 17 **government unit that elects not to participate in a producer**
 18 **recycling program under this subsection is not eligible for**
 19 **reimbursement under the producer recycling program.**

20 **(d) A producer shall provide information to a local government**
 21 **on the producer's activities within the local government's**
 22 **jurisdiction conducted under the requirements of this chapter that**
 23 **are relevant to the local government's responsibilities with respect**
 24 **to management of solid waste.**

25 **(e) A producer providing activities within the jurisdiction of a**
 26 **unit of local government shall provide information to the unit of**
 27 **local government on the producer's activities under this chapter**
 28 **that are relevant to the local government's responsibilities with**
 29 **respect to the management of solid waste.**

30 **(f) This chapter does not limit the authority of any unit of local**
 31 **government to manage packaging and printed paper that is solid**
 32 **waste.**

33 **SECTION 2. IC 34-30-2-51.3 IS ADDED TO THE INDIANA**
 34 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 35 **[EFFECTIVE JULY 1, 2016]: Sec. 51.3. IC 13-20-26**
 36 **(Concerning producers of materials that result in waste packaging**
 37 **or waste printed paper and their immunity from liability under**
 38 **IC 24-1 and other antitrust laws for actions taken with other**
 39 **producers to discharge responsibilities imposed by law).**

40 **SECTION 3. IC 35-52-13-8.3 IS ADDED TO THE INDIANA**
 41 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 42 **[EFFECTIVE JULY 1, 2016]: Sec. 8.3. IC 13-20-26-33 defines a**



- 1 **crime concerning waste packaging and waste printed paper.**

