

HOUSE No. 663

The Commonwealth of Massachusetts

PRESENTED BY:

Lori A. Ehrlich

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to reduce plastic bag pollution.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>

<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>

HOUSE No. 663

By Ms. Ehrlich of Marblehead, a petition (accompanied by bill, House, No. 663) of Lori A. Ehrlich and others for legislation to reduce plastic bag pollution. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 696 OF 2013-2014.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act to reduce plastic bag pollution.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1.

2 SECTION 1. Chapter 21, as appearing in the Official Edition, is hereby amended by
3 inserting after chapter 21O the following chapter:

4 CHAPTER 21P: The Plastic Bag Reduction Act

5 Definitions

6 (a) “Postconsumer recycled material” means a material that would otherwise be destined
7 for solid waste disposal, having completed its intended end use and product life cycle.

8 Postconsumer recycled material does not include materials and byproducts generated from, and
9 commonly reused within, an original manufacturing and fabrication process.

10 (b) "Recycled paper bag" means a paper bag that is 100 per cent recyclable and displays
11 the words "Reusable" and "Recyclable" in a highly visible manner on the outside of the bag.

12 (c) "Reusable grocery bag", a bag with handles that is specifically designed and
13 manufactured for at least 175 uses and is either (1) made of cloth or other machine washable
14 fabric; or (2) made of durable plastic that is at least 2.5 mils thick; or (3) made of other durable
15 material.

16 (d) (1) "Single-use carryout bag" means a bag made of plastic, paper, or other material
17 that is provided by a store to a customer at the point of sale and that is not a recycled paper bag
18 or a reusable grocery bag.

19 (2) A single-use carryout bag does not include either of the following:

20 (A) A bag provided by a pharmacy to a customer purchasing a prescription medication.

21 (B) A nonhandled bag used to protect items from damaging or contaminating other
22 purchased items placed in a recycled paper bag, a reusable grocery bag, or a compostable plastic
23 bag.

24 (C) A bag provided to contain an unwrapped food item.

25 (D) A nonhandled bag that is designed to be placed over articles of clothing on a hanger.

26 (e) "Store" means a retail establishment with gross interior space of 3000 square feet or
27 larger, exclusive of stockroom, office, storage and other space ancillary of a publicly accessible
28 space intended to be frequented by consumers, or at least three (3) locations under the same
29 ownership or brand name within the Commonwealth.

30 (f) “Compostable plastic bag”, a plastic bag that is not made of polyethylene,
31 polyethylene terephthalate, polyvinyl chloride, polypropylene or nylon and (1) conforms to the
32 current ASTM D6400 for compostability; (2) conforms to any other standards deemed
33 acceptable by the commissioner of the Department of Environmental Protection, provided
34 additional, commissioner approved standards conform to the definition of biodegradable as noted
35 herein and are as stringent at ASTM D6400; standards may be amended from time to time.

36 (g) “Marine degradable plastic bag”, a plastic bag that is not made of polyethylene,
37 polyethylene terephthalate, polyvinyl chloride, polypropylene or nylon and (1) conforms to the
38 current ASTM D7081 standard specification for marine degradability; and (2) conforms to any
39 other standards deemed acceptable by the commissioner of the Department of Environmental
40 Protection, provided additional, commissioner approved standards conform to the definition of
41 biodegradable as noted herein and are as stringent at ASTM D7081; standards may be amended
42 from time to time.

43 SECTION 2. Single-Use Carryout Bags

44 (a) Except as provided in this section on and after July 1, 2017, a store shall not provide a
45 single-use carryout bag to a customer at the point of sale.

46 (b) (1) On and after July 1, 2017, a store may make available for purchase at the point of
47 sale a reusable grocery bag. A store that makes reusable grocery bags available for purchase shall
48 not sell the reusable grocery bag for less than ten cents (\$0.10) in order to ensure that the cost of
49 providing a reusable grocery bag is not subsidized by a customer who does not require that bag.

50 (c) (1) On and after July 1, 2017, a store may make available for purchase a recycled
51 paper bag, for a charge of no less than ten cents (\$0.10).

52 (d) On and after July 1, 2017, a store may sell a compostable plastic bag at the point of
53 sale for a charge of no less than \$0.10.

54 (e) On and after July 1, 2021, a store may not sell or distribute a compostable plastic bag
55 at the point of sale, but may sell a marine degradable plastic bag at the point of sale for a charge
56 of no less than \$0.10.

57 SECTION 3.

58 All moneys collected pursuant to this article shall be retained by the store.

59 SECTION 4.

60 The Department of Environmental Protection shall promulgate regulations with regard to
61 the enforcement of this chapter.

62 SECTION 5.

63 (a) Except as provided in subdivision (c), this chapter is a matter of statewide interest
64 and concern and is applicable uniformly throughout the state. Accordingly, this chapter occupies
65 the whole field of regulation of reusable grocery bags, single-use carryout bags, and recycled
66 paper bags, as defined in this chapter, provided by a store, as defined in this chapter.

67 (b) On and after January 1, 2017, a city, county, or other local public agency shall not
68 enforce, or otherwise implement, an ordinance, resolution, regulation, or rule, or any amendment
69 thereto, adopted on or after September 1, 2016, relating to reusable grocery bags, single-use
70 carryout bags, or recycled paper bags, against a store, as defined in this chapter, unless expressly
71 authorized by this chapter.

72 (c) (1) A city, county, or other local public agency that has adopted, before September 1,
73 2016, an ordinance, resolution, regulation, or rule relating to reusable grocery bags, single-use
74 carryout bags, or recycled paper bags may continue to enforce and implement that ordinance,
75 resolution, regulation, or rule that was in effect before that date. Any amendments to that
76 ordinance, resolution, regulation, or rule on or after January 1, 2017, shall be subject to
77 subdivision (b), except the city, county, or other local public agency may repeal an ordinance,
78 resolution, regulation, or rule so as to be in line solely with this chapter.