

HOUSE No. 719

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Relative to Plastic Bag Reduction..

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. Chapter 111, as appearing in the 2006 Official Edition, is hereby amended
2 by inserting after section 174A the following section:-

3 Section 174B. (a) For the purposes of this section, the following words shall have the
4 following meanings:

5 "ASTM standard", the American Society for Testing and Materials (ASTM)'s
6 International standard D6400 for compostable plastic, as that standard may be amended from
7 time to time.

8 "Compostable plastic bag", a plastic bag that (1) conforms to the current ASTM-standard
9 for compostability; (2) is certified and labeled as meeting the ASTM-standard by a recognized
10 verification entity such as the Biodegradable Product Institute; (3) conforms to requirements to
11 ensure that the renewable based product content is maximized over time as set forth in
12 department regulations; (4) conforms to requirements to ensure that products derived from
13 genetically modified feedstocks are phased out over time as set forth in department regulations;

and (5) displays the phrase "Green Cart Compostable" and the word "Reusable" in a highly visible manner on the outside of the bag.

"Checkout bag", a carryout bag provided by a store to a customer at the point of sale.

"Commissioner", the commissioner of the department of environmental protection.

"Department", the department of environmental protection.

"Highly visible manner", (1) for compostable plastic bags, displaying both of the following in green lettering contrasting with the bag's background color that is at least 2 inches high: (i) the phrase "Green Cart Compostable" either on the front and back of the bag together with a solid green band at least one-half inch thick circling the circumference of the bag, or repeatedly, as a band of text or text alternating with solid stripe, circling the circumference of the bag, and (ii) the word "Reusable" displayed on the front or back of the bag; and (2) for recyclable paper bags, displaying the words "Reusable" and "Recyclable" on the front or back of the bag in blue lettering contrasting with the bag's background color that is at least 2 inches high, and (3) for both compostable plastic bags and recyclable paper bags, as otherwise required by department regulations.

"Person", an individual, trust, firm, joint stock company, corporation, cooperative, partnership, or association.

"Pharmacy", a retail use where the profession of pharmacy by a pharmacist licensed by the commonwealth and where prescriptions, and possibly other merchandise, are offered for sale, excluding such retail uses located inside a hospital.

"Recyclable", material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. Recycling does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

"Recyclable paper bag", a paper bag that meets all of the following requirements: (1) contains no old growth fiber, (2) is 100 per cent recyclable overall and contains 100 per cent post-consumer recycled content, and (3) displays the words "Reusable" and "Recyclable" in a highly visible manner on the outside of the bag.

"Reusable bag", a bag with handles that is specifically designed and manufactured for multiple reuse and is either (1) made of cloth or other machine washable fabric, or (2) made of durable plastic that is at least 2.25 mils thick.

"Store", a retail establishment that meets either of the following requirements: (1) is a full-line, self-service supermarket with gross annual sales of \$2,000,000 or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items. For purposes of determining which retail establishments are supermarkets, the department shall use the annual updates of the Progressive Grocer Marketing Guidebook and any computer printouts developed in conjunction with the guidebook; or (2) is a retail pharmacy with at least 5 locations under the same ownership within the commonwealth.

(b) All stores shall provide only the following as checkout bags to customers; recyclable paper bags, compostable plastic bags, or reusable bags.

(c) Nothing in this section shall be read to preclude stores from making reusable bags available for sale to customers.

(d) Any person or store who violates this section shall be punished by (1) a fine not exceeding \$100 for a first violation, (2) a fine not exceeding \$200 for a second violation within the same year, and (3) a fine not exceeding \$500 for each additional violation within the same year.

(e) The commissioner may seek legal, injunctive, or other equitable relief to enforce this section, including without limitation, civil penalties in an amount not exceeding \$200 for the first violation, \$400 for the second violation, and \$600 for each subsequent violation in any given year.

(f) The commissioner shall promulgate rules and regulations to implement this section.

SECTION 2. This act shall take effect as to stores that are supermarkets 180 days after its effective date. All of the requirements set forth in this act shall take effect as to stores that are pharmacies 1 year after its effective date.