

# SENATE . . . . . No. 395

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Nine  
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An Act Relative to the responsible reduction in the use of plastic bags.

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

1            1. The General Laws are hereby amended by inserting after chapter 21M the following  
2 chapter:-

3            CHAPTER 21N

4            RESPONSIBLE REDUCTION OF PLASTIC CARRYOUT BAGS ACT

5            Section 1. For the purposes of this chapter, the following words shall have the following  
6 meanings:-

7            “ASTM Standard”, the American Society for Testing and Materials (ASTM)’s  
8 International standard D6400 for compostable plastic, as that standard may be amended from  
9 time to time.

10           “Commissioner”, the commissioner of the Department of Environment Protection.

“Compostable plastic carryout bag”, a plastic carryout bag which conforms to the current ASTM-Standard Specifications for compostability and is certified and labeled as meeting the ASTM-Standard by a recognized verification entity such as the Biodegradable Product Institute.

“Department”, the Department of Environmental Protection.

“Plastic carryout bag”, a plastic carryout bag provided by a store to a customer at the point of sale for the purpose of carrying purchased items from the store. “Plastic carryout bag” shall not include plastic bags in which loose produce or products are placed by the customer to deliver such items to the point of sale area of a store.

“Store”, a retail establishment with gross income in excess of \$500,000 during the previous tax year.

## SECTION 2. Prohibition on plastic carryout bags.

(a) No store located or doing business in the State shall give, provide, or make available plastic carryout bags to consumers.

(b) To allow for the use of the existing supply of plastic carryout bags, this section shall be fully implemented 12 months from enactment.

(c) The enforcement and penalties provisions of Chapter 21A §16 shall apply to this section.

(d) The following are exempt from this section:

(1) Compostable plastic carryout bags; and

(2) Plastic bags intended to package:

- 31 (A) fresh produce; or
- 32 (B) baked goods; or
- 33 (C) candies, or
- 34 (D) other non-packaged bulk foods; or
- 35 (E) loose hardware.
- 36 (3) Additional exemptions established by the department.