

**HOUSE . . . . . No. 1159**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Frank I. Smizik***

*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 relative to the use of disposable carryout bags in certain stores.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>1/20/2011</i>
<i>Patricia D. Jehlen</i>		<i>2/1/2011</i>
<i>James B. Eldridge</i>		<i>1/26/2011</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	<i>1/31/2011</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>1/31/2011</i>

**HOUSE . . . . . No. 1159**

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By Mr. Smizik of Brookline, a petition (accompanied by bill, House, No. 1159) of Frank I. Smizik and others relative to the use of disposable carryout bags in certain stores. Environment, Natural Resources and Agriculture.

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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An Act relative to the use of disposable carryout bags in certain stores.

*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 21, as appearing in the 2008 Official Edition, is hereby amended by  
2 inserting after section 21N the following chapter:-

3 Section 1. As used in this chapter, the following words shall, unless the context clearly  
4 requires otherwise, have the following meanings:-

5 “Commissioner”, the commissioner of the department of environmental protection.

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

9 “Disposable carryout bag”, a bag of any material, commonly plastic or kraft paper, which  
10 is provided to a consumer at the point of sale to carry purchases. The term, “disposable carryout  
11 bag” shall not include:

12 (a) Bags used by consumers inside stores to:

13 (i) Package bulk items, such as fruit, vegetables, nuts, grains, candy or small hardware  
14 items;

15 (ii) Contain or wrap frozen foods, meat, or fish, whether prepackaged or not;

16 (iii) Contain or wrap flowers, potted plants, or other items where dampness may be a  
17 problem; and

18 (iv) Contain unwrapped prepared foods or bakery goods;

19 (b) Bags provided by pharmacists to contain prescription drugs;

20 (c) Newspaper bags, door-hanger bags, laundry dry-cleaning bags, or bags sold in  
21 packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags.

22 “Department”, the department of environmental protection.

23 “Reusable bag”, a bag with handles that is specifically designed and manufactured for  
24 multiple reuse and is either made of cloth or other machine washable fabric and/or made of  
25 durable plastic that is at least 2.25 mils thick.

26 “Store”, a retail establishment that meets either of the following requirements: (1) is a  
27 full-line, self-service supermarket that grossed in excess of \$1,000,000 during the previous tax  
28 year, and which sells a line of dry grocery, canned goods or nonfood items and some perishable  
29 items; or (2) is a retail pharmacy with at least five (5) locations under the same ownership within  
30 the Commonwealth.

31           Section 2. (a) If a store provides disposable carryout bags to customers, the bags must  
32 only be compostable plastic bags.

33           (b) Nothing in this section shall be read to preclude any store from making reusable bags  
34 available for sale to customers.

35           (c) The enforcement and penalty provisions of section 16 of chapter 21A shall apply to  
36 this chapter.

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

38           Section 3. All of the requirements set forth in this act shall take effect 24 months after its  
39 effective date.