SENATE DOCKET, NO. FILED ON: 6/14/2012

SENATE . . . . . No. 2314

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

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:

SECTION 1. Chapter 21, as appearing in the Official Edition, is hereby amended by inserting after section 21N the following chapter:-

CHAPTER 21O. PLASTIC BAG REDUCTION ACT

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

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

"ASTM D6400", the American Society for Testing and Materials (ASTM) International "Standard Specification for Compostable Plastics".

"ASTM D7081", the American Society for Testing and Materials (ASTM) International "Standard Specification for Biodegradable Plastics in the Marine Environment".

"Compostable plastic bag", a plastic bag that (1) conforms to the current ASTM D6400 for compostability; (2) is certified and labeled as meeting the ASTM D6400 standard

13 specification by a recognized verification entity; and (3) conforms to any other standards deemed
14 acceptable by the commissioner, provided additional, commissioner approved standards are as
15 stringent at ASTM D6400; standards may be amended from time to time.

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

17 “Department”, the department of environmental protection.

18 “Marine degradable plastic bag”, a plastic bag that (1) conforms to the current ASTM
19 D7081 standard specification for marine degradability; (2) is certified and labeled as meeting the
20 ASTM D7081 standard specification by a recognized verification entity; and (3) conforms to any
21 other standards deemed acceptable by the commissioner, provided additional, commissioner
22 approved standards are as stringent at ASTM D7081; standards may be amended from time to
23 time.

24 “Person”, an individual, trust, firm, joint stock company, corporation, cooperative,
25 partnership, or association.

26 "Recyclable paper bag", a paper bag that is 100 per cent recyclable and displays the
27 words "Reusable" and "Recyclable" in a highly visible manner on the outside of the bag.

28 “Reusable bag”, a bag with handles that is specifically designed and manufactured for
29 multiple reuse and is either (1) made of cloth or other machine washable fabric; or (2) made of
30 durable plastic that is at least 2.25 mils thick; or (3) made of other durable material.

31 “Retail establishment”, any retail store that satisfies at least one of the following
32 requirements:

33 (a) a retail space of 4,000 square feet or larger or at least three (3) locations under the
34 same ownership within the Commonwealth; or

35 (b) a retail pharmacy with at least five (5) locations under the same ownership within
36 the Commonwealth; or

37 (c) a full-line, self-service supermarket that had annual gross sales in excess of
38 $1,000,000 during the previous tax year, and which sells a line of dry grocery, canned goods or
39 nonfood items and some perishable items.

40 Section 2. (a) If a retail establishment provides plastic checkout bags to customers, the
41 bags shall comply with the requirements of being compostable as well as marine degradable
42 plastic bags.

43 (b) Nothing in this section shall be read to preclude any establishment from making
44 reusable bags available for sale to customers or utilizing recyclable paper bags at checkout.

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

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

48 Section 3. All of the requirements set forth in this act shall take effect 6 months after its
49 effective date.