

**HOUSE . . . . . No. 3438**

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**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act to reduce plastic 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 An Act to reduce plastic pollution.

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

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

6 CHAPTER 21P. PLASTIC BAG REDUCTION ACT

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

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

10 “ASTM D6400”, the American Society for Testing and Materials (ASTM) International  
11 “Standard Specification for Compostable Plastics”.

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

14 “Compostable plastic bag”, a plastic bag that (1) conforms to the current ASTM D6400  
15 for compostability; (2) is certified and labeled as meeting the ASTM D6400 standard  
16 specification by a recognized verification entity; and (3) conforms to any other standards deemed  
17 acceptable by the commissioner, provided additional, commissioner approved standards are as  
18 stringent at ASTM D6400; standards may be amended from time to time.

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

20 “Department”, the department of environmental protection.

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

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

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

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

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

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

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

40 (c) a full-line, self-service supermarket that had annual gross sales in excess of  
41 \$1,000,000 during the previous tax year, and which sells a line of dry grocery, canned goods or  
42 nonfood items and some perishable items.

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

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

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

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

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