SENATE DOCKET, NO. 510 FILED ON: 1/16/2013

SENATE . . . . . No. 1350

The Commonwealth of Massachusetts

PRESENTED BY:

Brian A. Joyce

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 selection and use of plastic carryout bags in certain stores.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Brian A. Joyce	*Norfolk, Bristol and Plymouth*

SENATE DOCKET, NO. 510 FILED ON: 1/16/2013

SENATE . . . . . No. 1350

By Mr. Joyce, a petition (accompanied by bill, Senate, No. 1350) of Brian A. Joyce for legislation to impose an excise on the use of plastic carryout bags in certain stores. Revenue.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1463* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to the selection and use of plastic 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:

SECTION 1. Paragraph (2) of subsection (a) of section 2 of chapter 62 of the General Laws is hereby amended by adding the following subparagraph:-

R. An amount not to exceed $100 for the purchase of reusable bags, as defined in section 1 of chapter 64N.

SECTION 2. The General Laws are hereby amended by inserting after chapter 64M the following chapter:-

CHAPTER 64N PLASTIC CARRYOUT BAGS

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

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

"Commissioner", the commissioner of revenue.

"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.

"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 is placed by the customer to deliver such items to the point of sale area of a store.

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

"Store", a retail establishment that grossed in excess of $1,000,000 during the previous tax year.

Section 2. Every store shall pay to the commissioner an excise equal to .02 cents per plastic carryout bag provided to customers during the tax year.

Section 3. No customer shall pay an excise on: the customer's own plastic or compostable plastic carryout bag that the customer brought into the store and uses to carry purchased items from the store; on paper bags; on any bag if the customer requests that plastic carryout bags not be used; any compostable plastic carryout bag provided to the customer by a store; or on any reusable bag the customer uses to carry purchased items out of the store.

Section 4. All sums received from each store pursuant to the excise imposed by this chapter shall be credited as follows: (1) 50 per cent shall be returned to store that collected the excise, as the commissioner shall determine, for the purposes of improving recycling practices, and recycling awareness within such stores, and to provide educational materials to encourage the reducing, reusing, and recycling of paper and plastic carryout bags and to make these materials available to customers; and (2) 50 per cent shall be credited to Commonwealth for related purposes consistent with the recycling plan of the solid waste master plan .

Section 5. The commissioner shall promulgate regulations to carry out this chapter.

SECTION 3. Said 64M of the General Laws is hereby further amended by striking out section 2, inserted by section 2 of this act, and inserting in place thereof the following section:-

Section 2. Every store shall pay to the commissioner an excise equal to .05 cents per plastic carryout bag provided to customers during the tax year.

SECTION 4. Said 64M is hereby further amended by striking out section 2, inserted by section 3, and inserting in place thereof the following section:-

Section 2. Every store shall pay to the commissioner an excise equal to .07 cents per plastic carryout bag provided to customers during the tax year.

SECTION 5. Said 64M is hereby further amended by striking out section 2, inserted by section 4, and inserting in place thereof the following section:-

Section 2. Every store shall pay to the commissioner an excise equal to .09 cents per plastic carryout bag provided to customers during the tax year.

SECTION 6. Said 64M is hereby further amended by striking out section 2, inserted by section 5, and inserting in place thereof the following section:-

Section 2. Every store shall pay to the commissioner an excise equal to .11 cents per plastic carryout bag provided to customers during the tax year.

SECTION 7. Said 64M is hereby further amended by striking out section 2, inserted by section 6, and inserting in place thereof the following section:-

Section 2. Every store shall pay to the commissioner an excise equal to .13 cents per plastic carryout bag provided to customers during the tax year.

SECTION 8. Said 64M is hereby further amended by striking out section 2, inserted by section, and inserting in place thereof the following section:-

Section 2. Every store shall pay to the commissioner an excise equal to .15 cents per plastic carryout bag provided to customers during the tax year.

SECTION 9. Section 3 shall takes effect on January 1, 2014.

SECTION 10. Section 4 shall take effect on January 1, 2015.

SECTION 11. Section 5 shall take effect on January 1, 2016.

SECTION 12. Section 6 shall take effect on January 1, 2017.

SECTION 13. Section 7 shall take effect on January 1, 2018.

SECTION 14. Section 8 shall take effect on January 1, 2019.