

HOUSE No. 4168

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 7, 2016.

The committee on Environment, Natural Resources and Agriculture to whom were referred the petition (accompanied by bill, Senate, No. 406) of James B. Eldridge, Jason M. Lewis, Peter V. Kocot, Lori A. Ehrlich and other members of the General Court for legislation relative to plastic bag reduction and the petition (accompanied by bill, House, No. 663) of Lori A. Ehrlich and others for legislation to reduce plastic bag pollution, reports recommending that the accompanying bill (House, No. 4168) ought to pass.

For the committee,

PAUL A. SCHMID, III.

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act to reduce plastic bag 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 SECTION 1. The General Laws are hereby amended by inserting after chapter 21O the
2 following chapter:

3 CHAPTER 21P: The Plastic Bag Reduction Act.

4 Section 1. "Postconsumer recycled material" means a material that would otherwise be
5 destined for solid waste disposal, having completed its intended end use and product life cycle.
6 Postconsumer recycled material does not include materials and byproducts generated from, and
7 commonly reused within, an original manufacturing and fabrication process.

8 "Recycled paper bag" means a paper bag that is 100 per cent recyclable and displays the
9 words "Reusable" and "Recyclable" in a highly visible manner on the outside of the bag.

10 "Reusable grocery bag" a bag with handles that is specifically designed and
11 manufactured for at least 175 uses and is made of industrial vinyl, or made of cloth or other
12 machine washable fabric.

13 “Single-use carryout bag” means a bag made of plastic, paper, or other material that is
14 provided by a store to a customer at the point of sale and that is not a recycled paper bag or a
15 reusable grocery bag.

16 (1) A single-use carryout bag does not include either of the following:

17 (A) A bag provided by a pharmacy to a customer purchasing a prescription medication.

18 (B) A non-handled bag used to protect items from damaging or contaminating other
19 purchased items placed in a recycled paper bag, a reusable grocery bag, or a compostable plastic
20 bag.

21 (C) A bag provided to contain an unwrapped food item.

22 (D) A non-handled bag that is designed to be placed over articles of clothing on a hanger.

23 “Store” means a retail establishment with gross interior space of 3000 square feet or
24 larger, exclusive of stockroom, office, storage and other space ancillary of a publicly accessible
25 space intended to be frequented by consumers, or at least three (3) locations under the same
26 ownership or brand name within the Commonwealth.

27 Section 2. (a) Except as provided in this section on and after August 1, 2018, a store shall
28 not provide a single-use carryout bag to a customer at the point of sale.

29 (b) From the date of this legislation’s enactment until August 1, 2018, a store may make
30 available for purchase at the point of sale a single-use carryout bag, reusable grocery bag, or
31 recycled paper bag. A store that makes single-use carryout bags, reusable grocery bags, or
32 recycled paper bags available for purchase prior to August 1, 2018 shall not sell the single-use
33 carryout bag, reusable grocery bag, or recycled paper bag for less than ten cents (\$0.10).

34 (c) On and after August 1, 2018, a store may make available for purchase a recycled
35 paper bag, for a charge of no less than ten cents (\$0.10).

36 (d) On and after August 1, 2018, a store may make available for purchase a reusable
37 grocery bag, for a charge of no less than \$0.10.

38 (e) All moneys collected pursuant to this article shall be retained by the store.

39 (f) The department of environmental protection shall promulgate regulations with regard
40 to the enforcement of this chapter.

41 Section 3. Nothing in this chapter shall preempt further limitation of single-use carryout
42 bags by the commonwealth or any political subdivision of the commonwealth, provided however
43 that any existing ordinance or by-law is not grandfathered in under this chapter.