HOUSE DOCKET, NO. 2133 FILED ON: 1/19/2017

HOUSE . . . . . No. 2121

The Commonwealth of Massachusetts

PRESENTED BY:

Lori A. Ehrlich and James B. Eldridge

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 reducing plastic bag pollution.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Lori A. Ehrlich	*8th Essex*	*1/19/2017*
James B. Eldridge	*Middlesex and Worcester*	*1/26/2017*
Brian M. Ashe	*2nd Hampden*	*1/30/2017*
Ruth B. Balser	*12th Middlesex*	*1/27/2017*
Jennifer E. Benson	*37th Middlesex*	*1/24/2017*
Mike Connolly	*26th Middlesex*	*2/2/2017*
Josh S. Cutler	*6th Plymouth*	*1/30/2017*
Marjorie C. Decker	*25th Middlesex*	*1/26/2017*
Michelle M. DuBois	*10th Plymouth*	*2/2/2017*
Danielle W. Gregoire	*4th Middlesex*	*1/31/2017*
Jonathan Hecht	*29th Middlesex*	*1/27/2017*
Paul R. Heroux	*2nd Bristol*	*2/2/2017*
Natalie Higgins	*4th Worcester*	*1/31/2017*
Louis L. Kafka	*8th Norfolk*	*2/2/2017*
Mary S. Keefe	*15th Worcester*	*2/1/2017*
Kay Khan	*11th Middlesex*	*1/27/2017*
Peter V. Kocot	*1st Hampshire*	*2/2/2017*
Jack Lewis	*7th Middlesex*	*1/25/2017*

Jay D. Livingstone	*8th Suffolk*	*2/2/2017*
Adrian Madaro	*1st Suffolk*	*2/3/2017*
Sarah K. Peake	*4th Barnstable*	*2/3/2017*
Alice Hanlon Peisch	*14th Norfolk*	*2/3/2017*
Denise Provost	*27th Middlesex*	*1/31/2017*
David M. Rogers	*24th Middlesex*	*2/3/2017*
Daniel J. Ryan	*2nd Suffolk*	*1/30/2017*
Thomas M. Stanley	*9th Middlesex*	*2/3/2017*
José F. Tosado	*9th Hampden*	*1/31/2017*
Chris Walsh	*6th Middlesex*	*1/31/2017*

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By Representative Ehrlich of Marblehead and Senator Eldridge, a joint petition (accompanied by bill, House, No. 2121) of Lori A. Ehrlich, James B. Eldridge and others for legislation to reduce plastic bag pollution. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act reducing 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:

SECTION 1. The General Laws are hereby amended by inserting after chapter 21O the following chapter:

CHAPTER 21P.

PLASTIC BAG REDUCTION

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

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

“Recycled paper bag”, a paper bag that is (i) 100 per cent recyclable; (ii) contains a minimum of 40 per cent postconsumer recycled materials, provided, however, that an 8 pound or smaller recycled paper bag shall contain a minimum of 20 per cent postconsumer recycled material; and (iii) displays the words "Recyclable" and "made from 40% post-consumer recycled content" or other applicable amount in a visible manner on the outside of the bag.

“Reusable grocery bag”, a sewn bag with stitched handles that is (i) specifically designed and manufactured for at least 175 uses; (ii) can carry 25 pounds over a distance of 300 feet; and (iii) is made of cloth or other machine-washable fabric other than polyethylene or polyvinyl chloride.

“Single-use carryout bag”, a bag made of plastic, paper, or other material that is provided by a store to a customer at the point of sale and that is not a recycled paper bag or a reusable grocery bag. A single-use carryout bag does not include the following: (i) a bag provided by a pharmacy to a customer purchasing a prescription medication; (ii) a non-handled bag used to protect items from damaging or contaminating other purchased items placed in a recycled paper bag, a reusable grocery bag, or a compostable plastic bag; (iii) a bag provided to contain an unwrapped food item; or (iv) a non-handled bag that is designed to be placed over articles of clothing on a hanger.

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

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

(b) From the date of enactment until August 1, 2018, a store may make available for purchase at the point of sale a single-use carryout bag, reusable grocery bag, or recycled paper bag. A store that makes single-use carryout bags, reusable grocery bags, or recycled paper bags available for purchase prior to August 1, 2018 shall not sell the single-use carryout bag, reusable grocery bag, or recycled paper bag for less than $0.10.

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

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

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

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

Section 3. Nothing in this chapter shall preempt further limitation of single-use carryout bags by any political subdivision of the Commonwealth enacted after the enactment of this law; provided, however, that any municipality with an existing ordinance or by-law banning plastic bags shall be exempt from subsection (b) of section 2 of this act.