HOUSE . . . . . No. 4234

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 15, 2018.

The committee on Environment, Natural Resources and Agriculture to whom were referred the petition (accompanied by bill, Senate, No. 424) of James B. Eldridge, Lori A. Ehrlich, Jack Lewis, Marjorie C. Decker and other members of the General Court for legislation relative to plastic bag reduction and the joint petition (accompanied by bill, House, No. 2121) of Lori A. Ehrlich, James B. Eldridge and others for legislation to reduce plastic bag pollution, reports recommending that the accompanying bill (House, No. 4234) ought to pass [Senator Fattman dissents].

For the committee,

SMITTY PIGNATELLI.

FILED ON: 2/2/2018

HOUSE . . . . . No. 4234

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 paper 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 or a reusable grocery 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, person, corporation, partnership, business venture, or vendor that sells or provides merchandise, goods or materials directly to a customer, whether for or not for profit, including but not limited to restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, farmers markets, public markets, jewelry stores, and household goods stores, provided however, the term store does not include bazaars, fairs or festivals operated by nonprofit organizations or religious institutions.

Section 2. (a) On and after August 1, 2019, a store shall not provide a single-use carryout bag to a customer at the point of sale.

(b) 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 existing ordinance or by-law banning plastic bags shall be null and void on August 1, 2019.