

HOUSE No. 5294

The Commonwealth of Massachusetts

PRESENTED BY:

Tami L. Gouveia and Michael J. Barrett

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 authorizing the Town of Concord to establish a fee for checkout bags.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>8/3/2022</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>8/8/2022</i>

HOUSE No. 5294

By Representative Gouveia of Acton and Senator Barrett, a joint petition (accompanied by bill, House, No. 5294) of Tami L. Gouveia and Michael J. Barrett (by vote of the town) that the town of Concord be authorized to establish a fee for checkout bags in said town. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act authorizing the Town of Concord to establish a fee for checkout bags.

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 following words, unless the context clearly requires otherwise, shall
2 have the following meanings:

3 “Checkout Bag” shall mean a bag provided by a retail establishment to a customer at the
4 point of sale. Checkout bags shall not include: (i) bags, whether plastic or not, in which loose
5 produce or products are placed by the consumer to deliver such items to the point of sale or
6 check out area of the store; (ii) a paper bag provided by a pharmacy to a customer purchasing a
7 prescription medication; (iii) a non-handled bag used to protect items from damaging or
8 contaminating other purchased items; or (iv) a non-handled bag that is designed to be placed
9 over articles of clothing on a hanger.

10 “Retail Establishment” shall mean any business facility that sells goods directly to the
11 consumer whether for or not for profit, including but not limited to, retail stores, restaurants,

12 pharmacies, convenience and grocery stores, liquor stores, and seasonal and temporary
13 businesses.

14 SECTION 2. (a) Notwithstanding any general or special law to the contrary, any retail
15 establishment which makes available checkout bags in the Town of Concord shall charge for
16 each such bag equal to or greater than \$0.10 per checkout bag, as established by regulations to be
17 duly promulgated by the Town Manager or his/her designee.

18 (b) All monies collected pursuant to this section shall be retained by the retail
19 establishment.

20 (c) Any charge for a checkout bag shall be separately stated on a receipt provided to the
21 customer at the time of sale and shall be identified as the “checkout bag charge” thereon.

22 SECTION 3. (a) The Town Manager or his/her designee shall have authority to enforce
23 this law and any regulations promulgated thereunder. This law may be enforced through any
24 lawful means in law or in equity, including but not limited to, noncriminal disposition pursuant
25 to G.L. c. 40 § 21D.

26 (b) The Town Manager or his/her designee may adopt and amend rules and regulations to
27 effectuate the purposes of this law.

28 SECTION 4. If any provision of this law is declared to be invalid or unenforceable, the
29 other provisions shall be severable and shall not be affected thereby.

30 SECTION 5. This act shall take effect three months after its passage.