HOUSE DOCKET, NO. 251 FILED ON: 1/7/2025

HOUSE . . . . . No. 2273

The Commonwealth of Massachusetts

PRESENTED BY:

Carmine Lawrence Gentile

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 Sudbury to establish a fee for checkout bags.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Carmine Lawrence Gentile	*13th Middlesex*	*1/7/2025*

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HOUSE . . . . . No. 2273

By Representative Gentile of Sudbury, a petition (accompanied by bill, House, No. 2273) of Carmine Lawrence Gentile (by vote of the town) that the town of Sudbury be authorized to establish a fee for retail establishment checkout bags in said town. Municipalities and Regional Government. [Local Approval Received.]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *3904* OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act authorizing the town of Sudbury 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:

SECTION 1. The following words, unless the context clearly requires otherwise, shall have the following meanings:

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

"Retail Establishment" shall mean any business facility that sells goods directly to the consumer whether for or not for profit, including but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, and seasonal and temporary businesses.

SECTION 2. (a) Notwithstanding any general or special law to the contrary, any retail establishment which makes available checkout bags in the Town of Sudbury shall charge for each such bag equal to or greater than $0.10 per checkout bag, as established by regulations to be duly promulgated by the Sudbury Board of Health.

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

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

SECTION 3. (a) The Health Agent for the Sudbury Board of Health or his/her designee shall have authority to enforce this law and any regulations promulgated thereunder. This law may be enforced through any lawful means in law or in equity, including but not limited to, noncriminal disposition pursuant to G.L. c. 40 § 21D and Article VI of the Town of Sudbury General Bylaws.

(b) The Sudbury Board of Health may adopt and amend rules and regulations to effectuate the purposes of this law.

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

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