

Massachusetts House of Representatives
Bill Summary

Bill #: H.2273

Title: An Act authorizing the town of Sudbury to establish a fee for checkout bags

Sponsor: Rep. Carmine Gentile and Sen. James Eldridge

Committee: Municipalities and Regional Government

Hearing Date: 5/13/25

Prior History: H.3904 OTP (2023-2024); H.4091 OTP (2020-2021 session)

Current Law: Article 89, Section 7 (5) of the Amendments to the Mass. Constitution prohibits enactment of "private or civil law governing civil relationships except as an incident to an exercise of an independent municipal power."

M.G.L. Chapter 40, Section 21D governs the noncriminal disposition of ordinance, bylaw, rule or regulation violations. It contains a procedure by which a municipal official may enforce a violation of a local ordinance, bylaw, rule or regulation, the violation of which is subject to a specific penalty, as an alternative to initiating criminal proceedings.

Article VI (6) of the Sudbury general by-laws governs the enforcement and noncriminal disposition of violations of bylaws.

Summary: Section 1 of this bill contains definitions of terms being used:

"Checkout Bag" – bag provided by a retail establishment to a customer at the point of sale. Does not include loose produce bags, pharmacy bags, non-handled bag that protects items from damaging or contaminating other purchased items, or non-handled bags that protect articles of clothing on a hanger, such as at a dry-cleaners.

"Retail Establishment" – any business, whether for-profit or not, that sells goods directly to a customer, including but not limited to retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses.

Section 2 requires any retail establishment located in the town that makes checkout bags available to charge a fee for each bag at a rate of 10 cents or more per bag. The exact fee would be set by regulations promulgated by the Sudbury Board of Health. The retail establishment would keep all of the money collected, and the identified charge would be listed separately on the receipt as "checkout bag charge"

Section 3 authorizes the Sudbury Health Agent or their designee to enforce the provisions of the law and any related regulations, using the procedures found in Chapter 40 and the town bylaws. It also allows the Board of Health to adopt and amend rules and regulations to implement the law.

Section 4 is a severability clause ensuring that if any provision of the law is found to be invalid or unenforceable, the remaining provisions would not be affected.

Section 5 states that the act shall take effect 3 months after its passage.

Notes: Warrant Article 16 approved by May 1, 2023 Sudbury Town Meeting