

Massachusetts House of Representatives Bill Summary

Bill #: H.4167

Title: An Act authorizing the town of Acton to establish a minimum charge for a checkout bag

Sponsor: Rep. Danilo Sena and Rep. Simon Cataldo

Committee: Municipalities and Regional Government

Hearing Date: June 24, 2025

Prior History: Refile of H.2111 (OTP)

Current Law: Chapter 40 Section 21D of MGL 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.

Chapter AB of the Acton by-laws prohibits single-use plastic bags.

Chapter E45 of the Acton by-laws concerns the enforcement and noncriminal disposition of violations of bylaws.

Summary: Section 1 provides definitions for the words “checkout bag” and “retail establishment”.

A checkout bag shall be defined as a bag provided by a retail establishment to a customer at the point of sale. This does not include bags for prescriptions, produce, bakery and, other food items to keep items fresh, frozen, or unsoiled, items that are saturated, wet, prone to leak or need to be immersed in liquid, items that are granular, powdery, dirty, or greasy, protecting items from damage or contamination, protecting articles of clothing on a hanger, items that contain ingredients that may be harmful to public health, protecting small items from loss, and items that require a certain type of bag under federal and state law.

A retail establishment shall be defined as a business facility that sells goods directly to customers, whether for or not for profit. This definition includes but is not limited to retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, and seasonal and temporary businesses.

Section 2 establishes that any retail establishment that provides checkout bags in Acton shall charge a fee equal to or greater than \$0.15 per checkout bag, as established by regulations put into effect by the Acton Board of Health. The charge for a checkout bag shall be stated separately on the receipt provided to the customer at the time of the sale and shall be identified as “checkout bag charge” on the receipt. The money collected from this fee shall be retained by the retail establishment.

Section 3 authorizes the Health Agent for the Acton Board of Health or their designee to oversee this legislation and any regulations put into effect concerning the checkout bag fee. This section also grants the Acton Board of Health the power to adopt and amend rules and regulations to put this legislation and this fee into effect.

Section 4 holds that if any provision of this legislation is declared to be invalid or unenforceable, the other provisions shall be severable and shall not be affected.

Section 5 states that this act shall take effect three months after its passage.

Notes:

The language in this legislation was approved as Article 34 at the 2025 Annual Town Meeting, which took place on May 6, 2025. According to the town moderator, the consent motion carried by a majority vote.