

HOUSE No. 3825

The Commonwealth of Massachusetts

PRESENTED BY:

William M. Straus

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 Fairhaven to establish a fee for checkout bags.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>William M. Straus</i>	<i>10th Bristol</i>	<i>4/20/2023</i>

HOUSE No. 3825

By Representative Straus of Mattapoisett, a petition (accompanied by bill, House, No. 3825) of William M. Straus (by vote of the town) that the town of Fairhaven 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-Third General Court
(2023-2024)**

An Act authorizing the town of Fairhaven 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 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.

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

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

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

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

19 SECTION 3. (a) The Health Agent for the Fairhaven Board of Health or their designee
20 shall have authority to enforce this law and any regulations promulgated there under. This law
21 may be enforced through any lawful means in law or in equity, including but not limited to
22 noncriminal disposition pursuant to section 21D of chapter 40 of the General Laws and sections
23 1 through 6, inclusive, of Chapter 1 of the Town of Fairhaven General Bylaws.

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

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

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