

HOUSE No. 4106

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas M. Stanley

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 Lincoln to establish a fee for checkout bags.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>6/24/2021</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>7/19/2021</i>

HOUSE No. 4106

By Mr. Stanley of Waltham, a petition (accompanied by bill, House, No. 4106) of Thomas M. Stanley and Michael J. Barrett (by vote of the town) that the town of Lincoln be authorized to establish a fee for checkout bags at certain retail establishments. 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 Lincoln 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 have
2 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 Lincoln shall charge for each
16 such bag equal to or greater than \$0.10 per checkout bag, as established by regulations to be duly
17 promulgated by the Lincoln Board of Health.

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

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

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

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