

HOUSE No. 719

The Commonwealth of Massachusetts

PRESENTED BY:

Lori Ehrlich

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 passage of the accompanying bill:

An Act Relative to Plastic Bag Reduction.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Lori Ehrlich	8th Essex
Robert M. Koczera	11th Bristol
Pam Richardson	6th Middlesex
Alice K. Wolf	25th Middlesex
Cheryl A. Coakley-Rivera	10th Hampden
Katherine Clark	32nd Middlesex
Jennifer M. Callahan	18th Worcester
Thomas P. Kennedy	Second Plymouth and Bristol
Denise Provost	27th Middlesex
Thomas M. Stanley	9th Middlesex
Paul McMurtry	11th Norfolk
Matthew C. Patrick	3rd Barnstable
Susan C. Fargo	Third Middlesex
Cory Atkins	14th Middlesex
Martin J. Walsh	13th Suffolk
Jennifer Benson	37th Middlesex
Linda Dean Campbell	15th Essex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO PLASTIC BAG REDUCTION.

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. Chapter 111, as appearing in the 2006 Official Edition, is hereby amended by
2 inserting after section 174A the following section:-

3 Section 174B. (a) For the purposes of this section, the following words shall have the following
4 meanings:

5 "ASTM standard", the American Society for Testing and Materials (ASTM)'s
6 International standard D6400 for compostable plastic, as that standard may be amended from
7 time to time.

8 "Compostable plastic bag", a plastic bag that (1) conforms to the current ASTM-standard
9 for compostability; (2) is certified and labeled as meeting the ASTM-standard by a recognized
10 verification entity such as the Biodegradable Product Institute; (3) conforms to requirements to
11 ensure that the renewable based product content is maximized over time as set forth in
12 department regulations; (4) conforms to requirements to ensure that products derived from
13 genetically modified feedstocks are phased out over time as set forth in department regulations;

14 and (5) displays the phrase "Green Cart Compostable" and the word "Reusable" in a highly
15 visible manner on the outside of the bag.

16 "Checkout bag", a carryout bag provided by a store to a customer at the point of sale.

17 "Commissioner", the commissioner of the department of environmental protection.

18 "Department", the department of environmental protection.

19 "Highly visible manner", (1) for compostable plastic bags, displaying both of the
20 following in green lettering contrasting with the bag's background color that is at least 2 inches
21 high: (i) the phrase "Green Cart Compostable" either on the front and back of the bag together
22 with a solid green band at least one-half inch thick circling the circumference of the bag, or
23 repeatedly, as a band of text or text alternating with solid stripe, circling the circumference of the
24 bag, and (ii) the word "Reusable" displayed on the front or back of the bag; and (2) for recyclable
25 paper bags, displaying the words "Reusable" and "Recyclable" on the front or back of the bag in
26 blue lettering contrasting with the bag's background color that is at least 2 inches high, and (3)
27 for both compostable plastic bags and recyclable paper bags, as otherwise required by
28 department regulations.

29 "Person", an individual, trust, firm, joint stock company, corporation, cooperative,
30 partnership, or association.

31 "Pharmacy", a retail use where the profession of pharmacy by a pharmacist licensed by
32 the commonwealth and where prescriptions, and possibly other merchandise, are offered for sale,
33 excluding such retail uses located inside a hospital.

34 "Recyclable", material that can be sorted, cleansed, and reconstituted using available
35 recycling collection programs for the purpose of using the altered form in the manufacture of a
36 new product. Recycling does not include burning, incinerating, converting, or otherwise
37 thermally destroying solid waste.

38 "Recyclable paper bag", a paper bag that meets all of the following requirements: (1)
39 contains no old growth fiber, (2) is 100 per cent recyclable overall and contains 100 per cent
40 post-consumer recycled content, and (3) displays the words "Reusable" and "Recyclable" in a
41 highly visible manner on the outside of the bag.

42 "Reusable bag", a bag with handles that is specifically designed and manufactured for
43 multiple reuse and is either (1) made of cloth or other machine washable fabric, or (2) made of
44 durable plastic that is at least 2.25 mils thick.

45 "Store", a retail establishment that meets either of the following requirements: (1) is a
46 full-line, self-service supermarket with gross annual sales of \$2,000,000 or more, and which sells
47 a line of dry grocery, canned goods, or nonfood items and some perishable items. For purposes
48 of determining which retail establishments are supermarkets, the department shall use the annual
49 updates of the Progressive Grocer Marketing Guidebook and any computer printouts developed
50 in conjunction with the guidebook; or (2) is a retail pharmacy with at least 5 locations under the
51 same ownership within the commonwealth.

52 (b) All stores shall provide only the following as checkout bags to customers; recyclable
53 paper bags, compostable plastic bags, or reusable bags.

54 (c) Nothing in this section shall be read to preclude stores from making reusable bags
55 available for sale to customers.

56 (d) Any person or store who violates this section shall be punished by (1) a fine not
57 exceeding \$100 for a first violation, (2) a fine not exceeding \$200 for a second violation within
58 the same year, and (3) a fine not exceeding \$500 for each additional violation within the same
59 year.

60 (e) The commissioner may seek legal, injunctive, or other equitable relief to enforce this
61 section, including without limitation, civil penalties in an amount not exceeding \$200 for the first
62 violation, \$400 for the second violation, and \$600 for each subsequent violation in any given
63 year.

64 (f) The commissioner shall promulgate rules and regulations to implement this section.

65 SECTION 2. This act shall take effect as to stores that are supermarkets 180 days after its
66 effective date. All of the requirements set forth in this act shall take effect as to stores that are
67 pharmacies 1 year after its effective date.