

SENATE No. 359

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

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: |
|----------------------------|------------------------------------|
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> |
| <i>Martha M. Walz</i> | <i>8th Suffolk</i> |
| <i>Thomas P. Conroy</i> | <i>13th Middlesex</i> |
| <i>Kenneth J. Donnelly</i> | <i>Fourth Middlesex</i> |
| <i>Denise Andrews</i> | <i>2nd Franklin</i> |
| <i>Michael Barrett</i> | <i>Third Middlesex</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> |
| <i>Sonia Chang-Diaz</i> | <i>Second Suffolk</i> |
| <i>Paul R. Heroux</i> | <i>2nd Bristol</i> |
| <i>Cynthia S. Creem</i> | <i>First Middlesex and Norfolk</i> |
| <i>Jennifer E. Benson</i> | <i>37th Middlesex</i> |

SENATE No. 359

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 359) of James B. Eldridge, Martha M. Walz, Thomas P. Conroy, Kenneth J. Donnelly and other members of the General Court for legislation relative to plastic bag reduction. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE

□ □ SENATE
□ , NO. 353 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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 21, as appearing in the Official Edition, is hereby amended by
2 inserting after section 21O the following chapter:-

3 CHAPTER 21P PLASTIC BAG REDUCTION ACT

4 Section 1. Definitions

5 As used in this chapter, the following words shall, unless the context clearly requires
6 otherwise, have the following meanings:

7 “Secretary”, the Secretary of the Executive Office of Environmental Affairs

8 “Plastic carryout bag”: bag made predominantly of any type of plastic, which is provided
9 to a customer at the point of sale in a retail establishment, but does not include reusable bags,
10 produce bags, or product bags, as defined herein.

11 “Produce bag” or “product bag” means any bag without handles used exclusively to carry
12 produce, meats, or other food items to the point of sale inside a store or to prevent such food
13 items from coming into direct contact with other purchased items.

14 “Recyclable” means material that can be sorted, cleansed, and reconstituted using
15 available recycling collection programs for the purpose of using the material in the manufacture
16 of a new product. “Recycling” does not include burning, incinerating, or otherwise thermally
17 destroying solid waste.

18 “Recyclable paper carryout bag”: a paper bag that meets all of the following
19 requirements: (1) is one hundred percent (100%) recyclable overall and contains a minimum of
20 eighty percent (80%) recycled material; (2) displays the word “Recyclable” in a highly visible
21 manner on the outside of the bag. (2) has printed on the bag the name of the manufacturer, the
22 location (country) where the bag was manufactured, and the percentage of recycled material
23 used.

24 “Reusable bag”: a bag with handles that is designed and manufactured for multiple reuses
25 and meets all of the following requirements: (1) has a minimum lifetime of 100 uses, which
26 means the capability of carrying a minimum of 22 pounds 100 times over a distance of at least
27 175 feet; (2) has a minimum volume of 15 liters; (3) is machine washable or is made from a
28 material that can be cleaned or disinfected; (4) does not contain lead, cadmium, or any other
29 heavy metal in toxic amounts; (5) if made of plastic, is a minimum of at least 3.0 mils
30 (.0762mm) thick.

31 “Retail establishment”, any retail store that is located in the Commonwealth of
32 Massachusetts.

33 Section 2. Restrictions and Exclusions

34 (a) No retail establishment located in the Commonwealth of Massachusetts may
35 distribute plastic carryout bags as defined herein.

36 (b) This prohibition applies to bags provided for the purpose of carrying away goods
37 from the point of sale and does not apply to produce bags or product bags.

38 (c) If a retail establishment provides carryout bags at the point of sale, said bags must be
39 Recyclable Paper Carryout Bags as defined herein.

40 (d) Nothing in this section shall be read to preclude any establishment from making
41 Reusable Bags, as defined herein, available to customers by sale or otherwise.

42 (e) Nothing in this section shall be read to preclude any establishment from providing
43 produce bags or product bag, as defined herein, to their customers.

44 (f) Nothing in this chapter shall prohibit customers from using bags of any type that they
45 bring to the store themselves or from carrying away goods that are not placed in a bag, in lieu of
46 using bags provided by the store.

47 (g) Nothing in this section shall prohibit retail establishments from charging a fee for
48 reusable bags or recyclable paper carryout bags as defined herein.

49 Section 3. Effective Date, Enforcement

50 (a) All of the requirements set forth in this act shall take effect on April 22, 2015.

51 (b) The enforcement and penalty provisions of section 16 of chapter 21A shall apply to
52 this chapter.

53 (c) The Secretary shall promulgate rules and regulations to implement this chapter.