

SENATE No. 406

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 adoption 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>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Barbara L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>
<i>Brian A. Joyce</i>	<i>Norfolk, Bristol and Plymouth</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>

SENATE No. 406

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 406) of James B. Eldridge, Jason M. Lewis, Peter V. Kocot, Lori A. Ehrlich 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. 359 OF 2013-2014.]

The Commonwealth of Massachusetts

—————
**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**
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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 chapter 21O the following chapter:

3 CHAPTER 21P: The Plastic Bag Reduction Act

4 Definitions

5 (a) "Postconsumer recycled material" means a material that would otherwise be destined
6 for solid waste disposal, having completed its intended end use and product life cycle.
7 Postconsumer recycled material does not include materials and byproducts generated from, and
8 commonly reused within, an original manufacturing and fabrication process.

9 (b) "Recycled paper bag" means a paper bag that is 100 per cent recyclable and displays
10 the words "Reusable" and "Recyclable" in a highly visible manner on the outside of the bag.

11 (c) "Reusable grocery bag", a bag with handles that is specifically designed and
12 manufactured for at least 175 uses and is either (1) made of cloth or other machine washable
13 fabric; or (2) made of durable plastic that is at least 3 mils thick; or (3) made of other durable
14 material.

15 (d) (1) "Single-use carryout bag" means a bag made of plastic, paper, or other material
16 that is provided by a store to a customer at the point of sale and that is not a recycled paper bag
17 or a reusable grocery bag.

18 (2) A single-use carryout bag does not include either of the following:

19 (A) A bag provided by a pharmacy to a customer purchasing a prescription medication.

20 (B) A nonhandled bag used to protect items from damaging or contaminating other
21 purchased items placed in a recycled paper bag, a reusable grocery bag, or a compostable plastic
22 bag.

23 (C) A bag provided to contain an unwrapped food item.

24 (D) A nonhandled bag that is designed to be placed over articles of clothing on a hanger.

25 (e) "Store" means a retail establishment with gross interior space of 3000 square feet or
26 larger, exclusive of stockroom, office, storage and other space ancillary of a publicly accessible
27 space intended to be frequented by consumers, or at least three (3) locations under the same
28 ownership or brand name within the Commonwealth.

29 (f) “Compostable plastic bag”, a plastic bag that is not made of polyethylene,
30 polyethylene terephthalate, polyvinyl chloride, polypropylene or nylon and (1) conforms to the
31 current ASTM D6400 for compostability; (2) conforms to any other standards deemed
32 acceptable by the commissioner of the Department of Environmental Protection, provided
33 additional, commissioner approved standards conform to the definition of biodegradable as noted
34 herein and are as stringent at ASTM D6400; standards may be amended from time to time.

35 (g) “Marine degradable plastic bag”, a plastic bag that is not made of polyethylene,
36 polyethylene terephthalate, polyvinyl chloride, polypropylene or nylon and (1) conforms to the
37 current ASTM D7081 standard specification for marine degradability; and (2) conforms to any
38 other standards deemed acceptable by the commissioner of the Department of Environmental
39 Protection, provided additional, commissioner approved standards conform to the definition of
40 biodegradable as noted herein and are as stringent at ASTM D7081; standards may be amended
41 from time to time.

42 SECTION 2. Single-Use Carryout Bags

43 (a) Except as provided in this section on and after July 1, 2017, a store shall not provide a
44 single-use carryout bag to a customer at the point of sale.

45 (b) (1) On and after July 1, 2017, a store may make available for purchase at the point of
46 sale a reusable grocery bag. A store that makes reusable grocery bags available for purchase shall
47 not sell the reusable grocery bag for less than ten cents (\$0.10) in order to ensure that the cost of
48 providing a reusable grocery bag is not subsidized by a customer who does not require that bag.

49 (c) (1) On and after July 1, 2017, a store may make available for purchase a recycled
50 paper bag, for a charge of no less than ten cents (\$0.10).

51 (d) On and after July 1, 2017, a store may sell a compostable plastic bag at the point of
52 sale for a charge of no less than \$0.10.

53 (e) On and after July 1, 2021, a store may not sell or distribute a compostable plastic bag
54 at the point of sale, but may sell a marine degradable plastic bag at the point of sale for a charge
55 of no less than \$0.10.

56 SECTION 3.

57 All moneys collected pursuant to this article shall be retained by the store.

58 SECTION 4.

59 The Department of Environmental Protection shall promulgate regulations with regard to
60 the enforcement of this chapter.

61 SECTION 5.

62 (a) Except as provided in subdivision (c), this chapter is a matter of statewide interest and
63 concern and is applicable uniformly throughout the state. Accordingly, this chapter occupies the
64 whole field of regulation of reusable grocery bags, single-use carryout bags, and recycled paper
65 bags, as defined in this chapter, provided by a store, as defined in this chapter.

66 (b) On and after January 1, 2017, a city, county, or other local public agency shall not
67 enforce, or otherwise implement, an ordinance, resolution, regulation, or rule, or any amendment
68 thereto, adopted on or after September 1, 2016, relating to reusable grocery bags, single-use
69 carryout bags, or recycled paper bags, against a store, as defined in this chapter, unless expressly
70 authorized by this chapter.

71 (c) (1) A city, county, or other local public agency that has adopted, before September 1,
72 2016, an ordinance, resolution, regulation, or rule relating to reusable grocery bags, single-use
73 carryout bags, or recycled paper bags may continue to enforce and implement that ordinance,
74 resolution, regulation, or rule that was in effect before that date. Any amendments to that
75 ordinance, resolution, regulation, or rule on or after January 1, 2017, shall be subject to
76 subdivision (b), except the city, county, or other local public agency may repeal an ordinance,
77 resolution, regulation, or rule so as to be in line solely with this chapter.