

SENATE No. 395

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 the responsible reduction in the use of plastic bags

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James B. Eldridge	Middlesex and Worcester
Frank I. Smizik	15th Norfolk
Barbara A. L'Italien	18th Essex
Denise Provost	27th Middlesex
James R. Miceli	19th Middlesex
Michael F. Rush	10th Suffolk
William N. Brownsberger	24th Middlesex
Stephen L. DiNatale	3rd Worcester
Jennifer M. Callahan	18th Worcester
Thomas M. Stanley	9th Middlesex
Richard J. Ross	9th Norfolk
Kay Khan	11th Middlesex
Marc R. Pacheco	First Plymouth and Bristol

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE RESPONSIBLE REDUCTION IN THE USE OF PLASTIC 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 General Laws are hereby amended by inserting after chapter 21M the
2 following chapter:-

3 CHAPTER 21N

4 RESPONSIBLE REDUCTION OF PLASTIC CARRYOUT BAGS ACT

5 Section 1. For the purposes of this chapter, the following words shall have the following
6 meanings:-

7 “ASTM Standard”, the American Society for Testing and Materials (ASTM)’s International
8 standard D6400 for compostable plastic, as that standard may be amended from time to time.

9 “Commissioner”, the commissioner of the Department of Environment Protection.

10 “Compostable plastic carryout bag”, a plastic carryout bag which conforms to the current
11 ASTM-Standard Specifications for compostability and is certified and labeled as meeting the
12 ASTM-Standard by a recognized verification entity such as the Biodegradable Product Institute.

13 “Department”, the Department of Environmental Protection.

14 “Plastic carryout bag”, a plastic carryout bag provided by a store to a customer at the point of
15 sale for the purpose of carrying purchased items from the store. “Plastic carryout bag” shall not
16 include plastic bags in which loose produce or products are placed by the customer to deliver
17 such items to the point of sale area of a store.

18 “Store”, a retail establishment with gross income in excess of \$500,000 during the previous tax
19 year.

20 **SECTION 2. Prohibition on plastic carryout bags.**

21 (a) No store located or doing business in the State shall give, provide, or make available plastic
22 carryout bags to consumers.

23 (b) To allow for the use of the existing supply of plastic carryout bags, this section shall be fully
24 implemented 12 months from enactment.

25 (c) The enforcement and penalties provisions of Chapter 21A §16 shall apply to this section.

26 (d) The following are exempt from this section:

27 (1) Compostable plastic carryout bags; and

28 (2) Plastic bags intended to package:

29 (A) fresh produce; or

30 (B) baked goods; or

31 (C) candies, or

32 (D) other non-packaged bulk foods; or

33 (E) loose hardware.

34 (3) Additional exemptions established by the department.