

SENATE No. 462

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 reducing plastic bag pollution.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|------------------------------------|--|------------------|
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | |
| <i>Lori A. Ehrlich</i> | <i>8th Essex</i> | |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> | <i>1/22/2019</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> | <i>1/23/2019</i> |
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> | <i>1/28/2019</i> |
| <i>Patrick M. O'Connor</i> | <i>Plymouth and Norfolk</i> | <i>1/29/2019</i> |
| <i>Jennifer E. Benson</i> | <i>37th Middlesex</i> | <i>1/29/2019</i> |
| <i>William N. Brownsberger</i> | <i>Second Suffolk and Middlesex</i> | <i>1/29/2019</i> |
| <i>Edward J. Kennedy</i> | <i>First Middlesex</i> | <i>1/30/2019</i> |
| <i>Joanne M. Comerford</i> | <i>Hampshire, Franklin and Worcester</i> | <i>1/30/2019</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> | <i>1/31/2019</i> |
| <i>Paul R. Feeney</i> | <i>Bristol and Norfolk</i> | <i>1/31/2019</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> | <i>1/31/2019</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> | <i>1/31/2019</i> |
| <i>Patricia D. Jehlen</i> | <i>Second Middlesex</i> | <i>2/1/2019</i> |
| <i>David Henry Argosky LeBoeuf</i> | <i>17th Worcester</i> | <i>2/1/2019</i> |
| <i>Brendan P. Crighton</i> | <i>Third Essex</i> | <i>2/1/2019</i> |
| <i>Joan B. Lovely</i> | <i>Second Essex</i> | <i>2/1/2019</i> |

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| <i>John F. Keenan</i> | <i>Norfolk and Plymouth</i> | <i>2/1/2019</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> | <i>2/1/2019</i> |
| <i>Cindy F. Friedman</i> | <i>Fourth Middlesex</i> | <i>2/1/2019</i> |
| <i>Julian Cyr</i> | <i>Cape and Islands</i> | <i>2/1/2019</i> |
| <i>Rebecca L. Rausch</i> | <i>Norfolk, Bristol and Middlesex</i> | <i>2/1/2019</i> |
| <i>Maria Duaiame Robinson</i> | <i>6th Middlesex</i> | <i>2/1/2019</i> |
| <i>James K. Hawkins</i> | <i>2nd Bristol</i> | <i>2/7/2019</i> |
| <i>Sonia Chang-Diaz</i> | <i>Second Suffolk</i> | <i>2/7/2019</i> |
| <i>Peter Capano</i> | <i>11th Essex</i> | <i>2/7/2019</i> |
| <i>John J. Lawn, Jr.</i> | <i>10th Middlesex</i> | <i>2/14/2019</i> |

SENATE No. 462

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 462) of James B. Eldridge, Lori A. Ehrlich, Jack Patrick Lewis, Jason M. Lewis 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. 424 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act reducing plastic bag pollution.

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 21O the
2 following chapter:

3 CHAPTER 21P.

4 PLASTIC BAG REDUCTION

5 Section 1. As used in this chapter, the following words shall have the following meanings
6 unless the context clearly requires otherwise:

7 “Postconsumer recycled material”, a material that would otherwise be destined for solid
8 waste disposal, having completed its intended end use and product life cycle. Postconsumer

9 recycled material does not include materials and byproducts generated from, and commonly
10 reused within, an original manufacturing and fabrication process.

11 “Recycled paper bag”, a paper bag that is (i) 100 per cent recyclable; (ii) contains a
12 minimum of 40 per cent postconsumer recycled materials, provided, however, that an 8 pound or
13 smaller recycled paper bag shall contain a minimum of 20 per cent postconsumer recycled
14 material; and (iii) displays the words "Recyclable" and "made from 40% post-consumer recycled
15 content" or other applicable amount in a visible manner on the outside of the bag.

16 “Reusable grocery bag”, a sewn bag with stitched handles that is (i) specifically designed
17 and manufactured for at least 175 uses; (ii) can carry 25 pounds over a distance of 300 feet; and
18 (iii) is made of cloth or other machine-washable fabric other than polyethylene or polyvinyl
19 chloride.

20 “Single-use carryout bag”, a bag made of plastic, paper, or other material that is provided
21 by a store to a customer at the point of sale and that is not a recycled paper bag or a reusable
22 grocery bag. A single-use carryout bag does not include the following: (i) a paper bag provided
23 by a pharmacy to a customer purchasing a prescription medication; (ii) a non-handled bag used
24 to protect items from damaging or contaminating other purchased items placed in a recycled
25 paper bag, a reusable grocery bag; (iii) a bag provided to contain an unwrapped food item; or (iv)
26 a non-handled bag that is designed to be placed over articles of clothing on a hanger.

27 “Store”, a retail establishment, person, corporation, partnership, business venture, or
28 vendor that sells or provides merchandise, goods or materials directly to a customer, whether for
29 or not for profit, including but not limited to restaurants, pharmacies, convenience and grocery
30 stores, liquor stores, seasonal and temporary businesses, farmers markets, public markets,

31 jewelry stores, and household goods stores, provided however, the term store does not include
32 bazaars, fairs or festivals operated by nonprofit organizations or religious institutions

33 Section 2. (a) Except as provided in this section on and after August 1, 2019, a store shall
34 not provide a single-use carryout bag to a customer at the point of sale.

35 (b) From the date of enactment until August 1, 2019, a store may make available for
36 purchase at the point of sale a single-use carryout bag, reusable grocery bag, or recycled paper
37 bag. A store that makes single-use carryout bags or recycled paper bags available for purchase
38 prior to August 1, 2019 shall sell the single-use carryout bag or recycled paper bag for \$0.10.

39 (c) On and after August 1, 2019, a store shall make available for purchase a recycled
40 paper bag, for a charge of \$0.10.

41 (d) On and after August 1, 2019, a store may make available for purchase a reusable
42 grocery bag, for a charge of no less than \$0.10.

43 (e) All moneys collected pursuant to this section shall be retained by the store.

44 (f) The department of environmental protection shall promulgate regulations with regard
45 to the enforcement of this chapter.

46 Section 3. Nothing in this chapter shall preempt further limitation of single-use carryout
47 bags by any political subdivision of the Commonwealth enacted after the enactment of this law;
48 provided, however, that any municipality with an existing ordinance or by-law banning plastic
49 bags shall be null and void on August 1, 2019.