

HOUSE . . . REDRAFT . . . No. 2121

The Commonwealth of Massachusetts

PRESENTED BY:

Lori A. Ehrlich and 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>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>

<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Adrian Madaro</i>	<i>1st Suffolk</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>

HOUSE . . . REDRAFT . . . No. 2121

By Representative Ehrlich of Marblehead and Senator Eldridge, a joint petition (accompanied by bill, House, No. 2121) of Lori A. Ehrlich and others for legislation to reduce plastic bag pollution. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

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 or a reusable grocery bag; (iii) a bag provided to contain an unwrapped food item; or
26 (iv) 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 vendor
28 that sells or provides merchandise, goods or materials directly to a customer, whether for or not for
29 profit, including but not limited to restaurants, pharmacies, convenience and grocery stores, liquor
30 stores, seasonal and temporary businesses, farmers markets, public markets, jewelry stores, and
31 household goods stores, provided however, the term store does not include bazaars, fairs or festivals
32 operated by nonprofit organizations or religious institutions.

33 Section 2. (a) On and after August 1, 2019, a store shall not provide a single-use carryout
34 bag to a customer at the point of sale.

35 (b) The department of environmental protection shall promulgate regulations with regard
36 to the enforcement of this chapter.

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