

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Brian A. Joyce

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 selection and use of plastic carryout bags in certain stores.

PETITION OF:

NAME:

Brian A. Joyce

DISTRICT/ADDRESS:

Norfolk, Bristol and Plymouth

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S02521 OF 2007-2008.]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
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AN ACT RELATIVE TO THE SELECTION AND USE OF PLASTIC CARRYOUT BAGS IN CERTAIN STORES.

*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. Paragraph (2) of subsection (a) of section 2 of chapter 62 of the General Laws is
2 hereby amended by adding the following subparagraph:-

3 Q. An amount not to exceed \$100 for the purchase of reusable bags, as defined in section 1 of chapter
4 64L.

5 SECTION 2. The General Laws are hereby amended by inserting after chapter 64K the following
6 chapter:-

7 CHAPTER 64L

8 PLASTIC CARRYOUT BAGS

9

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

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

13 “Commissioner”, the commissioner of revenue.

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

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

20 “Reusable bag”, a bag with handles that is specifically designed and manufactured for multiple reuse
21 and is either made of cloth or other machine washable fabric and/or made of durable plastic that is at least
22 2.25 mils thick.

23 “Store”, a retail establishment that grossed in excess of \$1,000,000 during the previous tax year.

24 Section 2. Every store shall pay to the commissioner an excise equal to .02 cents per plastic carryout bag
25 provided to customers during the tax year.

26 Section 3. No customer shall pay an excise on: the customer’s own plastic or compostable plastic
27 carryout bag that the customer brought into the store and uses to carry purchased items from the store; on
28 paper bags; on any bag if the customer requests that plastic carryout bags not be used; any compostable
29 plastic carryout bag provided to the customer by a store; or on any reusable bag the customer uses to carry
30 purchased items out of the store.

31 Section 4. All sums received from each store pursuant to the excise imposed by this chapter shall be
32 credited as follows: (1) 50 per cent shall be returned to store that collected the excise, as the
33 commissioner shall determine, for the purposes of improving recycling practices, and recycling awareness
34 within such stores, and to provide educational materials to encourage the reducing, reusing, and recycling
35 of paper and plastic carryout bags and to make these materials available to customers; and (2) 50 per cent
36 shall be credited to Commonwealth for related purposes consistent with the recycling plan of the solid
37 waste master plan .

38 Section 5. The commissioner shall promulgate regulations to carry out this chapter.

39

40 SECTION 3. Said 64L of the General Laws is hereby further amended by striking out section 2, inserted
41 by section 2 of this act, and inserting in place thereof the following section:-

42 Section 2. Every store shall pay to the commissioner an excise equal to .05 cents per plastic carryout bag
43 provided to customers during the tax year.

44 SECTION 4. Said 64L is hereby further amended by striking out section 2, inserted by section 3, and
45 inserting in place thereof the following section:-

46 Section 2. Every store shall pay to the commissioner an excise equal to .07 cents per plastic carryout bag
47 provided to customers during the tax year.

48 SECTION 5. Said 64L is hereby further amended by striking out section 2, inserted by section 4, and
49 inserting in place thereof the following section:-

50 Section 2. Every store shall pay to the commissioner an excise equal to .09 cents per plastic carryout bag
51 provided to customers during the tax year.

52 SECTION 6. Said 64L is hereby further amended by striking out section 2, inserted by section 5, and
53 inserting in place thereof the following section:-

54 Section 2. Every store shall pay to the commissioner an excise equal to .11 cents per plastic carryout bag
55 provided to customers during the tax year.

56 SECTION 7. Said 64L is hereby further amended by striking out section 2, inserted by section 6, and
57 inserting in place thereof the following section:-

58 Section 2. Every store shall pay to the commissioner an excise equal to .13 cents per plastic carryout bag
59 provided to customers during the tax year.

60 SECTION 8. Said 64L is hereby further amended by striking out section 2, inserted by section, and
61 inserting in place thereof the following section:-

62 Section 2. Every store shall pay to the commissioner an excise equal to .15 cents per plastic carryout bag
63 provided to customers during the tax year.

64 SECTION 9. Section 3 shall takes effect on January 1, 2011.

65 SECTION 10. Section 4 shall take effect on January 1, 2012.

66 SECTION 11. Section 5 shall take effect on January 1, 2013.

67 SECTION 12. Section 6 shall take effect on January 1, 2014.

68 SECTION 13. Section 7 shall take effect on January 1, 2015.

69 SECTION 14. Section 8 shall take effect on January 1, 2016.

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