

HOUSE No. 5012

The Commonwealth of Massachusetts

PRESENTED BY:

Danillo A. Sena

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 authorizing the town of Acton to establish a minimum charge for a checkout bag.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>6/29/2022</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>7/5/2022</i>

HOUSE No. 5012

By Mr. Sena of Acton, a petition (accompanied by bill, House, No. 5012) of Danillo A. Sena and Tami L. Gouveia (by vote of the town) that the town of Acton be authorized to establish a minimum charge for checkout bags in said town. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act authorizing the town of Acton to establish a minimum charge for a checkout bag.

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 following words, unless the context clearly requires otherwise, shall
2 have the following meanings:

3 “Checkout Bag” shall mean a bag provided by a retail establishment to a customer at the
4 point of sale. Checkout bags shall not include any type of bag, used by a retail establishment, or
5 provided to its customer for:

- 6 1. prescription medications,
- 7 2. produce, bakery items, and other food items to keep such items fresh or unsoiled,
- 8 3. preventing frozen food items, including ice cream, from thawing,
- 9 4. containing products or items that are saturated, wet, prone to leak, or need to be
- 10 immersed in a liquid,

- 11 5. containing products or items that are granular, powdery, dirty or greasy,
- 12 6. protecting an item from damage or contamination, or to protect a second item when
- 13 both are carried together from the retail establishment,
- 14 7. protecting articles of clothing on a hanger,
- 15 8. items that contain any herbicide, pesticide, solvent, corrosive, automotive type fluid or
- 16 other chemical, that can be harmful to public health, whether or not, the item is prepackaged in a
- 17 sealed container or bag,
- 18 9. protecting small items from loss,
- 19 10. any item that requires the use of a certain type bag, under federal and state laws and
- 20 regulations.

21 “Retail Establishment” shall mean any business facility that sells goods directly to the

22 consumer whether for or not for profit, including but not limited to, retail stores, restaurants,

23 pharmacies, convenience and grocery stores, liquor stores, and seasonal and temporary

24 businesses.

25 SECTION 2.

26 (a) Notwithstanding any general or specific law to the contrary, any retail establishment

27 which makes available checkout bags in the Town of Acton shall charge for each such bag a fee

28 equal to or greater than \$0.15 per checkout bag, as established by regulations to be duly

29 promulgated by the Acton Board of Health.

30 (b) All monies collected pursuant to this section shall be retained by the retail
31 establishment.

32 (c) Any charge for a checkout bag shall be separately stated on a receipt provided to the
33 customer at the time of sale and shall be identified as the “checkout bag charge” thereon.

34 SECTION 3.

35 (a) The Health Agent for the Acton Board of Health or his/her designee shall have
36 authority to oversee this Act and any regulations promulgated thereunder.

37 (b) The Acton Board of Health may adopt and amend rules and regulations to effectuate
38 the purposes of this Act.

39 SECTION 4. If any provision of this Act is declared to be invalid or unenforceable, the
40 other provisions shall be severable and shall not be affected thereby.

41 SECTION 5. This Act shall take effect three months after its passage.