SENATE DOCKET, NO. 1177 FILED ON: 1/20/2011

SENATE . . . . . No. 1463

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:

An Act relative to the selection and use of plastic carryout bags in certain stores..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Brian A. Joyce	*Norfolk, Bristol, and Plymouth*

SENATE DOCKET, NO. 1177 FILED ON: 1/20/2011

SENATE . . . . . No. 1463

By Mr. Joyce, a petition (accompanied by bill, Senate, No. 1463) of Brian A. Joyce for legislation to impose an excise on the use of plastic carryout bags in certain stores. Revenue.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *1284* OF 2009-2010.]

The Commonwealth of Massachusetts

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:

SECTION 1. Paragraph (2) of subsection (a) of section 2 of chapter 62 of the General Laws is hereby amended by adding the following subparagraph:-

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

SECTION 2. The General Laws are hereby amended by inserting after chapter 64K the following chapter:- CHAPTER 64L PLASTIC CARRYOUT BAGS

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

"ASTM Standard", the American Society for Testing and Materials (ASTM)'s International standard D6400 for compostable plastic, as that standard may be amended from time to time.

"Commissioner", the commissioner of revenue.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

67 SECTION 9. Section 3 shall takes effect on January 1, 2013.

68 SECTION 10. Section 4 shall take effect on January 1, 2014.

69 SECTION 11. Section 5 shall take effect on January 1, 2015.

70 SECTION 12. Section 6 shall take effect on January 1, 2016.

71 SECTION 13. Section 7 shall take effect on January 1, 2017.

72 SECTION 14. Section 8 shall take effect on January 1, 2018.