

Regulation for Reduction in Single-Use Plastic Check-Out Bags

18.0 Reduction in Single-Use Plastic Check-Out Bags

18.1 Purpose and Authority

The purpose of Section 18.0 of the Hopkinton Board of Health Regulations is to provide for the protection of the Town's aquatic and terrestrial environments, advances solid waste reduction and reduces nuisance litter by implementing strict and enforceable system that reduces the distribution of single-use plastic check-out bags within the Town of Hopkinton. The regulation seeks to promote the use of reusable check-out bags and readily degradable, non-toxic alternatives. Section 18.0 is promulgated pursuant to the authority of Massachusetts General Law (M.G.L.) chapter 111, section 31, whereby "Boards of Health may make reasonable health regulations." This section shall be read and combined with Section 1 "Administrative" and Section 2 "Fee Schedule" regulations of the Hopkinton Board of Health and is hereby adopted as a local regulation for the Town of Hopkinton.

18.2 Definitions

18.2.1. Checkout bag: A carry-out bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the store.

18.2.2 Enforcing Authority: The Board of Health.

18.2.3. Grocery Store: A retail establishment where more than fifty percent (50 %) of the gross floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers home care and personal care products.

18.2.4. Retail Store: An establishment that offers the sale and display of merchandise within a building.

18.2.5. Reusable checkout bag: A bag, with handles, that is specifically designed for multiple use and is made of thick plastic, cloth, fabric or other durable materials.

18.2.6 Recyclable Paper Bag: A paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content and displays the words “recyclable” and “made from 40% post-consumer recycled content” in a visible manner on the outside of the bag.

18.2.7 Thin -film single -use plastic bags: Typically with plastic handles, these are bags with a thickness of 2.5 mils or less and are intended for single-use transport of purchased products such as dry cleaning, newspapers, baked goods, bulk goods, meats, seafood, produce, wet items and other similar merchandise.

18.3 Use Regulations

18.3.1 Single-use plastic check-out bags shall not be distributed, used or sold for checkout or other purposes at any retail or grocery store within the Town of Hopkinton.

18.3.2 Customers are encouraged to utilize reusable or biodegradable bags when shopping grocery or retail stores within the Town of Hopkinton. Retail or grocery stores are strongly encouraged to make reusable checkout bags available for sale to customers at a reasonable price.

18.3.3 Thin-film plastic bags used to contain dry cleaning, newspapers, baked goods, bulk goods, meats, seafood, produce, wet items and other similar merchandise, typically without handles, are still permissible.

8.11 Enforcement and Penalties

18.4.1 Enforcement of this regulation shall be the responsibility of the Board of Health or his/her designee. The Board of Health shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate. Any retail or grocery store distributing plastic grocery bags in violation of the regulation shall be subject to a non-criminal disposition fine as specified in Section 1 of the Board of Health Regulations. Any such fines shall be paid to the Town of Hopkinton.

18.4.2 In the case of the first violation, the retail or grocery establishment shall be fined one hundred dollars (\$100).

18.4.3 In the case of the second violation, the retail or grocery establishment shall be fined two hundred dollars (\$200).

18.4.4 In the case of three or more violations, the retail or grocery establishment shall be fined three hundred dollars (\$300).

18.4.5 Each day any violation exists shall be deemed a separate offense.

18.5 Non-Criminal Disposition:

18.5.1 Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in General Laws, Chapter 40, Section 21 D or by filing a criminal complaint at the appropriate venue.

18.6 Effective Date:

18.6.1 All of the requirements of this Regulation shall take effect on January 1, 2019.

18.6.2 The Board of Health may grant a waiver of the effective date of enactment providing this Regulation would cause an undue hardship to the Retail or Grocery Establishment due to one or more of the following.

18.6.2.1 Circumstances or situations unique to the Retail or Grocery Establishment where alternatives to approved Recyclable Paper or Reusable Checkout Bags are unavailable.

18.6.2.2 Circumstances where a Retail or Grocery Establishment would require additional time in order to draw down existing inventory of single-use plastic checkout bags providing the Retail or Grocery Establishment does not stock additional single-use plastic bags preceding the effective date of enactment of this Regulation and upon receiving an exemption shall file a monthly report with the Board of Health on inventory reduction of the remaining stock.

18.6.2.3 Circumstances or situations unique to the Retail or Grocery Establishment would cause an economic hardship.

18.6.2.4 Any Retail or Grocery Establishment requesting to apply to the Board of Health for a waiver shall apply using forms provided by the Board of Health. The Board of Health shall be allowed access to all information supporting the application.

18.6.2.5 The Board of Health may approve the exemption request, in whole or part, with or without conditions.