

NATICK BOARD OF HEALTH REGULATION

CHAPTER 27

SINGLE-USE PLASTIC CHECK-OUT BAG REDUCTION

Section A Authority:

The Natick Board of Health, pursuant to its authority under Massachusetts General Laws Chapter 111, Section 31 voted to adopt the Regulation "Single Use Plastic Check-out Bag Reduction" to reduce the distribution of single use plastic checkout bags within the Town of Natick and to protect the environment of the community.

Section B Purpose:

The Natick Board of Health finds that a reduction in the use of single use plastic check-out bags is a public purpose that protects the marine and terrestrial environment, advances solid waste reduction and protects the waterways. The Regulation seeks to reduce the number plastic bags that are being used, discarded and littered, and to promote the use of reusable check-out bags by retail stores located within the Town.

Section C Definitions:

For the purpose of this Regulation, the following words shall have the following meaning:

Board of Health: The Natick Board of Health, Agent(s) or designee(s) thereof.

Check-out Bag: A carryout bag provided by a retail establishment to a customer at the point of sales. Check-out bags shall not include bags, whether plastic or not, by which loose products or produce are placed in by the consumer to deliver such items to the point of sale or check out area of the store.

Enforcing Authority: The Board of Health

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.

Reusable Check-out Bag: A bag with handles that is specifically designed for multiple reuse and is either made of cloth or other washable fabric, made of durable plastic that is at least 2.0 mil thick or made of other approved durable non-toxic material.

Retail Establishment: Any commercial business, whether profit or non-profit, including but not limited to grocery stores, convenient stores, pharmacies, restaurants, liquor stores, jewelry stores, household goods stores, seasonal and temporary businesses, selling goods, articles, and public services located within the Town of Natick including food service establishments; this does not include religious organizations, or bazaars operated by a non-profit organization.

Section D Requirements:

1. Any retail establishment providing Checkout Bags to customers must provide bags that are a Recyclable Paper Bag, Reusable Bag made of cloth or other washable fabric or a plastic bag with a thickness of at least 2.0 mils.
2. Each Retail Establishment as defined in Section C shall comply with this Regulation.

Section E Exemptions:

Thin-filmed plastic bags, typically without handles, used by Establishments to contain dry cleaning, newspaper, produce, meat, fish, bulk foods, wet or frozen food items to prevent or contain moisture and other similar merchandise are exempt from this Regulation.

Section F Effective Date:

1. All of the requirements of this Regulation shall take effect on August 1, 2017.
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 Establishment due to one or more of the following:
 - a. Circumstances or situations unique to the Retail Establishment where alternatives to approved Recyclable Paper or Reusable Checkout Bags are unavailable.
 - b. Circumstances where a Retail Establishment would require additional time in order to draw down existing inventory of single-use plastic checkout bags providing the Retail 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.
 - c. Circumstances or situations unique to the Retail Establishment would cause an economic hardship.
 - d. Any Retail 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.
 - e. The Board of Health may approve the exemption request, in whole or part, with or without conditions.

Section G Violation:

It shall be the responsibility of the Retail Establishment and/or his or her business agent to ensure compliance with all sections of this Regulation. If the Board of Health determines that a Retail Establishment is in violation of this Regulation, the Board of Health shall act as follows:

1. In the case of an initial violation, issue a warning;
2. In the case of first violation, a fine of fifty (\$50) dollars;
3. In the case of a second violation, a fine of one hundred (\$100.00) dollars;
4. In the case of third or subsequent violation, a fine of not more than three hundred (\$300.00) dollars;
5. Each day any violation exists shall be deemed a separate offense.

Section H Non-Criminal Disposition:

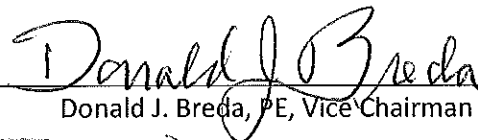
Whoever violates any provision of this Regulation may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D or by filing a complaint at the Natick District Court in Framingham.

Section I Severability:

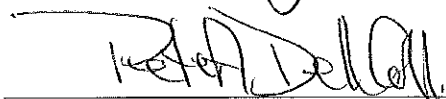
If any provision of this Regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.



Ian L. Wong, MSPH, Chairman



Donald J. Breda, PE, Vice Chairman



Peter A. Delli Colli, DMD, Clerk