

[Town] Board of Health
Single-Use Plastic Bag Regulation

1. Findings and Purpose

1.1 Plastic bags are a public and environmental nuisance, adversely affect public health, are a detriment to tourism, and impair the overall quality of life of the Town's residents and visitors.

- Plastic bags are light, easily becoming airborne even when properly disposed of, clogging storm drainage systems, contributing to marine and terrestrial pollution, and detracting from the natural beauty of our coastal community and the attraction of the Town for visitors and residents alike.
- Plastic bags photo-degrade, disintegrating into minute particles which adsorb toxins and pose a threat to riparian and marine environments, contaminating the food chain, as well as water and soil. They are also a menace to marine life, primarily through ingestion and entanglement.
- The vast majority of plastic bags are not recycled and, when disposed of, add to the cost of transporting waste to off-island landfills.

1.2 Plastic bag ordinances have proven to be effective in reducing plastic bag consumption and litter and are part of a growing movement towards sustainability.

1.3 The Town is committed to protecting the environment and the public health, safety, and welfare of its citizens. The goal of this regulation is to reduce the common use of plastic carryout bags and to encourage the use of reusable bags by consumers, thereby protecting the Town's unique natural beauty and irreplaceable natural resources, reducing local land and marine pollution, advancing solid waste reduction, and improving the quality of life for the citizens of the Town.

2. Definitions

"Carryout Bag" means a bag provided by a Store to a customer at the point of sale that is intended for the purpose of transporting food or merchandise out of the Store.

"Recyclable Paper Bag" means a paper bag with or without handles that is 100 percent recyclable and contains at least 40% post-consumer recycled content (except that an eight pound or smaller paper bag shall contain a minimum of 20% post-consumer recycled content) and visibly displays both the word "Recyclable" and the percentage of post-consumer recycled content.

"Reusable Bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and is made of polyester, polypropylene, washable fabric, or other durable material and, in the case of plastic bags, is more than 4.0 mils in thickness.

"Store" means any commercial enterprise selling goods, food or services directly to the public, whether for or not for profit, including, but not limited to, convenience and grocery

stores, markets, restaurants, pharmacies, liquor stores, take-out food purveyors, and merchandise retailers.

3. Use Regulations

- 3.1 All Stores in [Town] shall provide to customers as Carryout Bags *only* Recyclable Paper Bags or Reusable Bags.
- 3.2 This regulation does not apply to the clear or opaque plastic bags without handles provided to a customer:
- a. to transport loose produce, prepared food, bulk food, prepared food, or small unpackaged products (eg beads and nails or other small hardware items) to the point of sale; or
 - b. to contain or wrap foods to retain moisture or to segregate foods (like meat or ice cream) or other items to prevent contamination or damage when the items are placed together in a Recyclable Bag or Reusable Bag.
- 3.3 Stores may charge and retain a fee for any Recyclable Bags or Reusable Bags that they provide. The fee could be used to recover the costs of the bag and as an incentive to customers to bring their own Reusable Bags. Customers are encouraged to bring their own Reusable Bags to Stores.

4. Administration and Enforcement

- 4.1 This regulation may be enforced by any Town Police Officer or agent of the Board of Health.
- 4.2 A person, individually or by his servant or agent, who violates any provision of this regulation may be penalized by a non-criminal disposition pursuant to G.L.c.40, Section 21D and the Town's non-criminal disposition bylaw. The following penalties apply:
- first violation: a written warning
 - second violation: \$50 fine
 - third and subsequent violations: \$100 fine.
- Each day shall constitute a separate violation.

5. Effective Date

- 5.1 This regulation takes effect on [January 1, 2017].