**Draft Bylaw for Further Discussion**

**Green Needham Plastic Bag Elimination project team**

**October 9, 2017**

**2.5.4 Eliminating Single-Use Plastic Check-Out Bags**

**2.5.4.1 Definitions. The following definitions shall apply to the interpretation and enforcement of Section 2.5.4:**

(a)Check-out Bag means a carryout bag provided or sold by a retail establishment to a customer at the point of sale.

(b) Reusable Check-out Bag means a sewn bag with stitched handles that is specifically designed for multiple reuse and that (1) can carry 35 pounds over a distance of 300 feet; (2) is machine washable; and (3) is either (a) made of natural fibers (such as cotton or linen); or (b) made of durable, non-toxic plastic other than polyethylene or polyvinyl chloride that is generally considered a food-grade material that is more than 4 mils thick.

(c) Recyclable Paper Check-out Bag means a paper bag that is 100% recyclable and contains at least 40% post-consumer content, and displays in a visible manner on the outside of the bag (1) the word "recyclable" or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from post-consumer recycled content and the percentage of post-consumer recycled content in the bag.

(d) Retail Establishment means any commercial business, whether profit or non-profit, including but not limited to grocery stores, convenience stores, pharmacies, restaurants, liquor stores, jewelry stores, household goods stores, seasonal and temporary businesses that sells goods, articles, and public services, including food services establishments.

**2.5.4.2 Requirements**

Any Retail Establishment providing Check-out Bags to customers must provide only bags that are a Recyclable Paper Check-out Bag or a Reusable Check-out Bag.

**2.5.4.3 Exemptions**

Thin-filmed plastic bags, whether plastic or not, in which loose produce or products are placed by a consumer to deliver such items to the point of sale or check-out area of a retail establishment or used to contain dry cleaning, produce, meat, bulk foods, or other similar merchandise are not prohibited under this section.

**2.5.4.4 Effective Date**

[Determine when and who – give more time to smaller stores. Some places also have a waiver for a period of time and time to use up stock.]

**2.5.4.5 Enforcement**

It shall be the responsibility of the Retail Establishment and/or his or her business agent to ensure compliance with all section of this bylaw.

If the Board of Health determines that a Retail Establishment is in violation of this bylaw the Board of Health shall act as follows:

First offense - warning

Second offense - $100

Third offense - $200

Fourth and subsequent offense - $300.

Each day a violation occurs shall constitute a separate offense.