

Article 45 as adopted May 2023
A ban on Single-Use Plastic Checkout Bags

Section 3.12: PLASTIC BAGS

3.12.1 Definitions.

The following words shall, unless the context clearly requires otherwise, have the following meanings:

- (a) "Department" means the Town of Needham Public Health Department.
- (b) "Health Agent" shall mean the Director of Health and Human Services or his/her designee.
- (c) "Checkout bag" means a carryout bag provided by a retail establishment to a customer at the point of sale for the purpose of transporting groceries, prepared food, or retail goods. "Checkout bag" shall not include:
 - (i) a paper bag provided by a pharmacy to a customer purchasing a prescription medication;
 - (ii) a bag without handles in which loose produce or products are placed by a consumer to deliver such items to the point of sale or checkout area of a retail establishment;
 - (iii) a bag without handles that is used to protect items from damaging or contaminating other items, (e.g. raw meats, wine bottles);
 - (iv) laundry or dry-cleaner bags;
 - (v) plastic newspaper sleeves;
 - (vi) a bag used solely to contain live animals, such as fish or insects sold in a pet store or bait shop;
 - (vii) a bag used to contain unwrapped food, (e.g. deli meats).
- (d) "Recyclable Paper Bag" means a paper bag that is 100% recyclable and contains at least 40% post-consumer recycled 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.
- (e) "Reusable Checkout Bag" means
 - (1) a sewn bag with handles that are stitched and not heat fused that is

(2) specifically designed and manufactured for at least 175 uses and that
(3) can carry 25 pounds over a distance of 300 feet;
(4) is made of either (a) natural fibers (such as cotton, hemp, linen) or other machine washable fabric; or (b) made of plastic other than high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), and polyethylene terephthalate (PET) that is durable, non-toxic, and generally considered a food grade material.

- (f) "Retail Establishment" shall mean any business facility that sells goods directly to the consumer whether for or not for profit in the Town of Needham including, but not limited to retail stores, restaurants, pharmacies, food or ice cream truck, convenience, grocery stores, supermarket, liquor stores, seasonal and temporary businesses.
- (g) "Single-Use Plastic Checkout Bags" shall mean those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), or polyethylene terephthalate (PET) that is not a Reusable Checkout Bag.

3.12.2 Regulated Conduct.

- (a) No Retail Establishment in the Town of Needham shall provide or sell a Single-Use Plastic Checkout Bag to a customer.
- (b) If any Retail Establishment provides or sells a Checkout Bag to customers, the bags must be one of the following:
1. Recyclable Paper Bag; or
 2. Reusable Checkout Bag.
- (c) Each Retail Establishment as defined herein shall comply with this section.

3.12.3 Effective Date.

This by-law shall take effect on January 1, 2024 for Retail Establishments with retail space of 3,500 square feet or larger, or with at least two locations under the same name within the Town of Needham with retail space that totals 3,500 square feet or larger. This by-law shall take effect on July 1, 2024 for all Retail Establishments less than 3,500 square feet.

3.12.4 Penalties and Enforcement.

- (a) Needham Public Health Department and its Health Agent shall have the authority to administer and enforce this by-law.
- (b) Fines. Any Retail Establishment which violates any provision of this section will be liable for a fine as follows: First offense, warning; second offense, \$100.00; third offense, \$200.00; fourth and subsequent offenses, \$300.00. Each day a violation occurs shall constitute a separate offense. Multiple violations on the same day shall constitute a single offense.

3.12.5 Regulations.

The Needham Public Health Department may adopt and amend rules and regulations to effectuate the purposes of this by-law.

3.12.6 Severability.

Each separate provision of this section shall be deemed independent of all other provisions herein, and if any provision of this section be declared to be invalid by the Attorney General or a court of competent jurisdiction, the remaining provisions of this section shall remain valid and enforceable.