

**HOUSE . . . . . No. 412**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Mike Connolly*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to reduce packaging waste.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/18/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	
<i>Denise Provost</i>	<i>27th Middlesex</i>	
<i>David M. Rogers</i>	<i>24th Middlesex</i>	
<i>Jack Lewis</i>	<i>7th Middlesex</i>	
<i>Natalie Higgins</i>	<i>4th Worcester</i>	
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	
<i>Aaron Vega</i>	<i>5th Hampden</i>	
<i>Juana B. Matias</i>	<i>16th Essex</i>	
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	
<i>Dylan Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	

*Gailanne M. Cariddi*  
*Chris Walsh*

*1st Berkshire*  
*6th Middlesex*

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By Mr. Connolly of Cambridge, a petition (accompanied by bill, House, No. 412) of Mike Connolly and others for legislation to reduce packaging waste. Environment, Natural Resources and Agriculture.

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The Commonwealth of Massachusetts

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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An Act to reduce packaging waste.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. The General Laws are hereby amended by inserting after chapter 21O the  
2 following chapter:

3           CHAPTER 21P: The Sustainable Food Service Ware Act.

4           Section 1. Definitions

5           “Biodegradable” means entirely made of organic materials such as wood, paper, bagasse  
6 or cellulose; or bioplastics that meet the American Society for Testing and Materials (ASTM)  
7 D7081 standard for Biodegradable Plastics in the Marine Environment. Any ASTM D7081  
8 product must be clearly labeled with the applicable standard.

9           “Compostable” refers to bioplastic materials certified to meet the American Society for  
10 Testing and Materials International Standards D6400 or D6868, as those standards may be  
11 amended. ASTM D6400 is the specification for plastics designed for compostability in municipal

12 or industrial aerobic composting facilities. D6868 is the specification for aerobic compostability  
13 of plastics used as coatings on a compostable substrate.

14 “Disposable food service ware” means all food and beverage containers, bowls, plates,  
15 trays, cartons, cups, lids, straws, stirrers, forks, spoons, knives, film wrap, and other items  
16 designed for one-time or non-durable uses on or in which any food vendor directly places or  
17 packages prepared foods or which are used to consume foods. This includes, but is not limited to,  
18 service ware for takeout foods and leftovers from partially consumed meals prepared at food  
19 establishments.

20 “Food establishment” refers an operation that stores, prepares, packages, serves, vends, or  
21 otherwise provides food for human consumption. This includes without limitation restaurants  
22 and food trucks.

23 “Recyclable Material” refers to material that can be sorted, cleansed, and reconstituted  
24 using the local municipality’s regular year-round collection program for the purpose of using the  
25 altered form in the manufacture of a new product. Regular year-round collection means either the  
26 municipal curbside pickup or else a municipal transfer station in communities that do not have  
27 curbside pickup. All recyclable plastic material must be identified by its plastic resin code in a  
28 visible manner on the food service ware. "Recycling" does not include burning, incinerating,  
29 converting, or otherwise thermally destroying solid waste.

30 “Reusable Products” pertains to those that will be used more than once in its same form  
31 by a food establishment. Reusable food service ware includes: tableware, flatware, food or  
32 beverage containers, packages or trays, such as, but not limited to, soft drink bottles and milk  
33 containers that are designed to be returned to the store or distributor that provided the take-out

34 containers. Reusable materials include aluminum and glass. Reusable also includes cleanable  
35 durable containers, packages, or trays used on-premises or returnable containers brought back to  
36 the food establishment.

37           Section 2. (a) Except as provided in this section on and after January 1, 2019, all retail  
38 food establishments will use food service ware that is biodegradable, compostable, recyclable, or  
39 reusable for any food prepared or packaged on premises.

40           (b) The Department of Environmental Protection shall promulgate regulations with  
41 regard to the enforcement of this chapter.