

**HOUSE . . . . . No. 886**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*William M. Straus*

*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 relative to disposable food service wares.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>William M. Straus</i>	<i>10th Bristol</i>	<i>1/18/2019</i>

**HOUSE . . . . . No. 886**

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By Mr. Straus of Mattapoisett, a petition (accompanied by bill, House, No. 886) of William M. Straus relative to disposable food service wares. Environment, Natural Resources and Agriculture.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act relative to disposable food service wares.

*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, as appearing in the 2016 Official Edition, are hereby  
2 amended by inserting after chapter 21O the following chapter:-

3           Chapter 21P.

4           Section 1. For purposes of this chapter, the following words shall have the following  
5 meanings, unless the context clearly requires otherwise:

6           "Compostable" means made solely of organic substances that break down into a stable  
7 product due to the action of bacteria in a controlled, aerobic commercial process that results in a  
8 material safe and desirable as a soil amendment and has been found to degrade satisfactorily at  
9 the composting facility receiving the material.

10 "Consumed on premises" means consumption of food or beverages in the public areas of  
11 a food service business, common areas of a food court, outside seating areas and parking lots  
12 exclusively for customers of the food service business.

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14 "Disposable food service ware" means non-compostable and non-recyclable containers,  
15 plates, "clamshells," serving trays, meat and vegetable trays, hot and cold beverage cups,  
16 wrappers, and utensils that are intended only for one-time use, including so-called biodegradable  
17 products where any portion is not compostable.

18 "Food service businesses" means full-service restaurants, fast food restaurants, cafes,  
19 delicatessens, coffee shops, grocery stores, vending trucks or carts, business or institutional  
20 cafeterias, and other businesses selling or providing food for consumption on or off the premises.

21 "Recyclable" means made solely of materials that are capable of being separated from a  
22 waste stream by a food service business and made available for collection and delivery to a  
23 processor for reuse or remanufacture into the same or other products.

24 Section 2. (a) Food service businesses (i) shall not sell or provide food for consumption  
25 on or off the premises in or with disposable food service ware, and (ii) shall not offer or make  
26 available disposable food service ware to customers; provided, however, that a food service  
27 business may provide a disposable straw to a customer upon request.

28 (b) Food service businesses providing food for consumption on premises using  
29 compostable or recyclable food service ware must provide conveniently located and clearly  
30 marked containers where customers may discard compostable and recyclable food service ware

31 and must provide for the collection and delivery of these materials to appropriate processing  
32 facilities.

33           Section 3. Whoever violates any provision of this chapter shall be punished by a fine of  
34 not more than \$200 for each day that the violation is found to have occurred.

35           SECTION 2. The Secretary of Energy and Environmental Affairs is authorized to  
36 promulgate rules and regulations to effectuate the purposes of this act. Such rules may provide  
37 temporary waivers or other relief that apply to use of certain food service ware products for a  
38 period of up to one year, with the option for additional annual extensions should circumstances  
39 warrant. Such waivers or relief shall be granted only for circumstances where commonly used  
40 recycling and composting technology cannot process the food service ware, or where suitable  
41 alternative products that meet performance and food health and safety standards are unavailable.

42           SECTION 3. SECTION 1 shall have an effective date of January 1, 2025.