HOUSE DOCKET, NO. 3604 FILED ON: 2/19/2021

HOUSE . . . . . No. 870

The Commonwealth of Massachusetts

PRESENTED BY:

Michelle L. Ciccolo

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 support restaurants and reduce single-use plastics in the environment.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Michelle L. Ciccolo	*15th Middlesex*	*2/19/2021*
Jessica Ann Giannino	*16th Suffolk*	*2/26/2021*
Kate Lipper-Garabedian	*32nd Middlesex*	*2/26/2021*
Joanne M. Comerford	*Hampshire, Franklin and Worcester*	*2/26/2021*
Lindsay N. Sabadosa	*1st Hampshire*	*2/26/2021*
Christina A. Minicucci	*14th Essex*	*2/26/2021*
Jack Patrick Lewis	*7th Middlesex*	*2/26/2021*
David Allen Robertson	*19th Middlesex*	*2/26/2021*
Dylan A. Fernandes	*Barnstable, Dukes and Nantucket*	*3/8/2021*
Tommy Vitolo	*15th Norfolk*	*6/15/2021*
Natalie M. Higgins	*4th Worcester*	*9/14/2021*
Carol A. Doherty	*3rd Bristol*	*12/8/2021*

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By Ms. Ciccolo of Lexington, a petition (accompanied by bill, House, No. 870) of Michelle L. Ciccolo and others relative to the use of single-use plastics by restaurants. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act to support restaurants and reduce single-use plastics in the environment.

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

SECTION 1. For purposes of this chapter, the following terms have the following definitions:

(a) “Disposable”, means designed to be discarded after a single or limited number of uses and not designed or manufactured for long-term multiple reuse.

(b) “Food service ware accessories”, means items such as straws, stirrers, cup spill plugs, cup sleeves, condiments and condiment packets, utensils (including chopsticks), cocktail sticks/picks, toothpicks, napkins, and other similar accessory or accompanying food service ware used as part of food or beverage service or packaging. Detachable lids for beverage cups and food containers are not considered a food service ware accessory.

(c) “Food facility”, means an operation that stores, prepares, packages, serves, vends, or otherwise provides food to the public for human consumption.

(d) “Takeout food”, means prepared food requiring no further preparation, which is purchased to be consumed off a prepared food facility’s premises. Takeout food includes prepared food delivered by a food facility or by a third-party takeout food delivery service.

(e) “Takeout food delivery service”, is a service that delivers takeout food from a food facility to a customer for consumption off the premises. This service can be provided directly by the food facility or by a third party.

SECTION 2.

(a) No food facility shall provide any disposable food service ware accessories except:

1. Upon request by the consumer;

2. Upon acceptance by the consumer after being offered by the food facility; or

3. At a self-serve area and/or a dispenser.

(b) Food facilities shall only distribute disposable food service ware if they charge the customer what that food ware cost the food facility, or a dollar, whichever is greater.

(c) Takeout food delivery services that utilize digital ordering/point of sale platforms, including but not limited to the internet and smartphones, shall only offer disposable food service ware accessories by providing clear options for customers to affirmatively request these items separate from orders for food and beverages. The default option on the digital ordering/point of sale platforms shall be that no disposable food service ware accessories are requested. Each individual disposable food service ware accessory (e.g., each fork, knife, condiment packet, napkin, etc.) provided with prepared food must be specifically requested by the customer in order for a food facility to provide it.

(d) Takeout food delivery services shall only distribute disposable food service ware if they charge the customer what that food ware cost the food facility, or a dollar, whichever is greater.