

SENATE No. 1328

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Barrett

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 restrict the use of polystyrene.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/13/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/11/2023</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/16/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>5/22/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>7/7/2023</i>

SENATE No. 1328

By Mr. Barrett, a petition (accompanied by bill, Senate, No. 1328) of Michael J. Barrett and Joanne M. Comerford for legislation to restrict the use of polystyrene. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to restrict the use of polystyrene.

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

1 Chapter 111 of the General Laws, as appearing in the 2020 Official Edition, is hereby
2 amended by inserting after section 5S, the following section:-

3 Section 5T. (a) For the purposes of this section, the following terms shall have the
4 following meanings unless the context clearly requires otherwise:

5 “Disposable Food Container”, a single-use disposable product used in a food service
6 establishment for serving, transporting or packaging prepared, ready-to-consume or uncooked
7 food or beverages.

8 “Food Establishment”, a business that stores, prepares, packages, serves, vends or
9 otherwise provides food for human consumption, including but not limited to, any establishment
10 requiring a permit to operate in accordance with the State Food Code.

11 “Polystyrene”, a synthetic resin which is a polymer of styrene, used chiefly as lightweight
12 rigid foams and solid containers.

13 “Prepared Food”, food or beverage for consumption on the premises of a food
14 establishment, using any cooking or food preparation technique. This does not include any raw
15 uncooked meat, fish or eggs unless provided for consumption without further food preparation.

16 “Retail Establishment”, a commercial business facility that sells goods directly to the
17 consumer, including but not limited to, grocery stores, pharmacies, liquor stores, convenience
18 stores, restaurants, retail stores and vendors selling clothing, food and personal items.

19 (b) Except as provided herein, on or after August 1, 2025, food establishments shall be
20 prohibited from dispensing food to customers in disposable food service containers made from
21 polystyrene.

22 (c) Except as provided herein, on and after August 1, 2025, retail establishments shall be
23 prohibited from selling or distributing disposable food containers made of polystyrene to
24 customers.

25 (d) A food establishment may apply to the health department of the town or city in which
26 it operates, showing that the conditions of this provision would cause undue hardship. The local
27 health department or its designee may defer application of this provision for a food establishment
28 for a one year period. An undue hardship shall mean a situation unique to the food establishment
29 where there are no reasonable alternatives to the use of polystyrene disposable food service
30 containers and compliance with this provision would cause significant economic hardship to that
31 food establishment.

32 (e) The commissioner shall promulgate regulations for the enforcement of this section.
33 Regulations promulgated under this section shall include fines, not to exceed 1,000 dollars, for
34 any single violation of subsections (b) and (c).