

SENATE No. 1449

The Commonwealth of Massachusetts

PRESENTED BY:

Patrick M. O'Connor, (BY REQUEST)

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 ban single use plastic applicators.

PETITION OF:

NAME:

Freya Schlegel

DISTRICT/ADDRESS:

SENATE No. 1449

By Mr. O'Connor (by request), a petition (accompanied by bill, Senate, No. 1449) of Freya Schlegel for legislation to ban single use plastic applicators. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2577 OF 2021-2022.]

The Commonwealth of Massachusetts

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

An Act to ban single use plastic applicators.

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. Chapter 111 of the General Laws, as appearing in the 2018 Official Edition,
2 is hereby 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 “Plastic disposable tampon applicator,” an applicator containing a single tampon
6 designed to be disposed after one use that is made of or contains plastic material, not including
7 any applicator made of biodegradable, plant-based, or cardboard materials.

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

11 (b) On or after December 1, 2025, retail establishments shall be prohibited from selling or
12 distributing tampons that are packaged with plastic disposable tampon applicators.

13 (c) A retail establishment may apply to the health department of the town or city in which
14 it operates, showing that the conditions of this provision would cause undue hardship. The local
15 health department or its designee may defer application of this provision for a retail
16 establishment for a one year period. An undue hardship shall mean a situation unique to the retail
17 establishment where there are no reasonable alternatives to the use of plastic disposable tampon
18 applicators and compliance with this provision would cause significant economic hardship to that
19 retail establishment.

20 (d) The commissioner of the department of public health shall promulgate regulations for
21 the enforcement of this section, including, but not limited to, measures to increase access to and
22 availability of biodegradable or non-plastic tampon applicator alternatives. Regulations
23 promulgated under this section shall include fines, not to exceed one thousand dollars, for any
24 single violation of this section.”

25 SECTION 2. This act shall go into effect immediately upon its passage.