

# SENATE . . . . . No. 2830

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## The Commonwealth of Massachusetts

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

SENATE, June 17, 2024.

The committee on Senate Ways and Means to whom was referred the Senate Bill to reduce plastics (Senate, No. 570), - reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2830). (Senator Fattman dissenting).

For the committee,  
Michael J. Rodrigues

**SENATE . . . . . No. 2830**

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**The Commonwealth of Massachusetts**

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

An Act to reduce plastics.

*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.

4           MASSACHUSETTS PLASTICS REDUCTION ACT

5           Section 1. As used in this chapter, the following words shall have the following meanings  
6 unless the context clearly requires otherwise:

7           “Bag”, a container made of flexible material with an opening at the top, commonly used  
8 to carry things.

9           “Carryout bag”, a bag provided to a customer to hold items purchased from or serviced  
10 by a business, retailer, organization or other entity; provided, however, that “carryout bag” shall  
11 not include a non-handled bag: (i) provided by a pharmacy to a customer purchasing prescription  
12 medication; (ii) used to protect items from damaging or contaminating other purchased items

13 placed in a recycled paper bag or a reusable grocery bag; (iii) provided to contain an unwrapped  
14 food item; (iv) used to protect articles of clothing on a hanger; (v) used to prevent frozen food  
15 items from thawing; (vi) provided or made available to a customer purchasing raw meat,  
16 uncooked seafood or other similar products; or (vii) used to protect small items from loss.

17 “Customer”, a person who purchases or otherwise receives goods, services or materials  
18 from a business, organization, corporation or other entity.

19 “Department”, the department of environmental protection.

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

22 “Food service ware”, disposable products used for serving or transporting foods or  
23 beverages for human consumption, including, but not limited to, plates, bowls, trays, cups,  
24 cartons, hinged or lidded containers, straws, stirrers, cup spill plugs, cup sleeves, condiments  
25 containers, utensils, cocktail sticks or picks, toothpicks, film wrap and napkins; provided,  
26 however, that “food service ware” shall not include detachable lids for beverage cups or food  
27 containers, coolers or ice chests.

28 “Plastic”, any synthetic or semi-synthetic material made partially or entirely from fossil  
29 fuel-based petrochemical polymers that retains its shape during its lifecycle, including, but not  
30 limited to, polystyrene, polyethylene, polypropylene and polycarbonate.

31 “Postconsumer recycled material”, material used in a recycled paper bag that would  
32 otherwise be destined for solid waste disposal, having completed its intended end use and

33 product life cycle, and that does not comprise any material or byproduct generated from, and  
34 commonly reused within, an original manufacturing and fabrication process.

35 “Recycle”, to separate, dismantle or process the materials, components or commodities in  
36 materials for the purpose of preparation for use or reuse in new products or components;  
37 provided, however, that “recycle” shall not include energy recovery or energy generation by  
38 means of combustion, such as pyrolysis, gasification or other heat chemical conversion  
39 processes, or landfill disposal.

40 “Recycled paper bag”, a paper bag that is 100 per cent recyclable and contains not less  
41 than 50 per cent postconsumer recycled material.

42 “Reusable bag”, a bag that: (i) is made of machine-washable cloth, fabric, hemp or other  
43 woven or non-woven fibers; (ii) has handles that are stitched with thread and not heat-fused; and  
44 (iii) is designed and manufactured for multiple uses; provided, however, that a “reusable bag”  
45 shall not include a bag made of plastic film of any thickness.

46 “Serviced” or “Servicing”, the past or present act of cleaning, repairing, improving,  
47 refinishing or altering an item owned by a customer by a person engaged in a retail business of  
48 customarily providing such services, including, but not limited to, dry cleaning and tailoring  
49 articles of clothing, jewelry repair and shoe and leather repair.

50 Section 2. (a) A retailer or charging entity shall not provide a customer with a carryout  
51 bag unless such carryout bag is a recycled paper bag or a reusable bag; provided, however, that a  
52 customer shall be charged not less than 10 cents per recycled paper bag; and provided further,  
53 that a recycled paper bag purchased under this section shall not be subject to taxation pursuant to  
54 chapter 64H or 64I.

55 (b) Five cents per recycled paper bag sold shall be remitted by the retailer or charging  
56 entity to the department of revenue at the same time and in the same manner as sales taxes are  
57 due to the commonwealth. The department of revenue shall deposit such amounts into the  
58 Plastics Environmental Protection Fund established under section 2EEEEEE of chapter 29. The  
59 department of revenue may promulgate regulations to facilitate the collection of the fee set forth  
60 in this paragraph. The retailer or charging entity shall retain the remainder of the amount charged  
61 to customers.

62 (c) Nothing in this section shall prohibit the sale or offering for sale of packages  
63 containing several bags, products or goods with a protective or other bag received from a  
64 manufacturer or distributor or bags offered for sale as a product or merchandise that are not  
65 carryout bags.

66 (d) This section shall not apply to: (i) bags otherwise required to be used under state or  
67 federal law; or (ii) a nonprofit organization, charity or religious institution in the provision or  
68 distribution of food, clothing or other items at no cost or substantially reduced cost.

69 (e) A business with only 1 store location of not more than 4,000 square feet of retail  
70 selling space and not more than 10 employees, and which provided not more than 10,000  
71 carryout bags in total during the previous calendar year, shall not be required to collect or remit  
72 bag fees as otherwise set forth in this section.

73 Section 3. (a) Except as provided in subsection (b), a retailer or charging entity shall not  
74 provide a customer with disposable food service ware unless requested by the customer.

75 (b) A retailer or charging entity may make disposable food service ware available to a  
76 consumer for self-service to allow for non-bundled, single-use food service ware to be obtained.

77           Section 4. (a) For the purposes of this section, “state agency” shall mean any department  
78 of state government including the executive, legislative and judicial branches, and any  
79 independent state authority, quasi-public authority, board, district, commission, instrumentality  
80 or agency.

81           (b) State agencies shall not expend state funds to procure single-use plastic bottles that  
82 have a capacity of not more than 21 fluid ounces; provided, however, that state agencies shall be  
83 exempt from this requirement if such exemption is required to provide for disability or  
84 accessibility related accommodations.

85           (c) Subsection (b) shall not apply: (i) when no alternative is available or practicable; (ii)  
86 when necessary to protect health, safety and welfare; (iii) when compliance with this section  
87 would conflict with contract requirements or labor agreements in existence as of the effective  
88 date of this section or agreements solicited before the effective date of this section; and (iv) to  
89 prepare for or respond to an emergency.

90           Section 5. The department shall establish a statewide program to provide for the recycling  
91 of bulk plastic materials, including, but not limited to child passenger restraints as defined in  
92 section 1 of chapter 90, and may: (i) implement local or regional bulk plastic recycling programs;  
93 (ii) accept applications from municipalities for grants and to award grants to assist in the  
94 development or establishment of local and regional bulk plastic recycling projects; and (iii)  
95 partner or contract with private organizations to assist in the development or establishment of a  
96 bulk plastic recycling program.

97           Section 6. A municipality shall not pass, adopt, promulgate or otherwise effectuate an  
98 ordinance, by-law or other rule or regulation inconsistent with this chapter.

99           Section 7. Except as otherwise provided, the department shall promulgate regulations to  
100 implement and enforce this chapter. The department may promulgate regulations to increase the  
101 minimum postconsumer recycled material required for recycled paper bags.

102           Section 8. The department shall establish and assess civil administrative penalties  
103 pursuant to section 16 of chapter 21A for violations of this chapter.

104           The superior court department of the trial court may assess civil penalties as set forth in  
105 this section and enjoin violations of, and grant such additional relief as it deems necessary or  
106 appropriate to secure compliance with, the provisions of this chapter, or any regulation, rule or  
107 other order or action adopted or issued pursuant to this section. The attorney general and district  
108 attorneys may bring enforcement actions under this section in the superior court department of  
109 the trial court or any other court of competent jurisdiction.

110           SECTION 2. Chapter 29 of the General Laws is hereby amended by inserting after  
111 section 2DDDDDD the following section:-

112           Section 2EEEEEE. (a) There shall be a Plastics Environmental Protection Fund to be  
113 expended, without prior appropriation, by the department of environmental protection. The fund  
114 shall consist of: (i) revenue from appropriations or other money authorized by the general court  
115 and specifically designated to be credited to the fund; (ii) interest earned on such revenues; (iii)  
116 funds from public and private sources, including, but not limited to, gifts, grants, donations and  
117 settlements received by the commonwealth that are designated to be credited to the fund; (iv)  
118 federal funds paid to the commonwealth designated to be credited to the fund; and (v) monies  
119 paid to the commonwealth pursuant to chapter 21P, including all funds collected by the  
120 department of revenue pursuant to section 2 of said chapter 21P. The fund shall be expended to:

121 (i) improve the air, water, soil or other environmental conditions for low and moderate income  
122 communities; (ii) provide reusable bags at no-cost to low and moderate income communities and  
123 individuals receiving benefits administered by the department of transitional assistance at no  
124 cost; (iii) issue grants to small businesses that are incorporated and have principal places of  
125 business in the commonwealth to assist in the reduction of plastic use within each business,  
126 including, but not limited to, small businesses in the food service and production industries; and  
127 (iv) provide multilingual, culturally competent educational materials and programming,  
128 including, but not limited to, experiential education regarding bag reuse and recycling and other  
129 aspects of environmental protection. Any bond proceeds deposited into the fund shall be kept  
130 separate from any and all other funds deposited into the fund. No expenditure from the fund shall  
131 cause the fund to be in deficiency at the close of a fiscal year. Monies deposited into the fund  
132 that are unexpended at the end of a fiscal year shall not revert to the General Fund and shall be  
133 available for expenditure in the subsequent fiscal year.

134 (b) The department of environmental protection shall administer the fund. Annually, not  
135 later than March 1, the department shall report on the activities of the fund from the previous  
136 calendar year to the senate and house committees on ways and means and the joint committee on  
137 environment and natural resources. The department may promulgate regulations or issue other  
138 guidance to implement this section. The department shall consult with the department of  
139 transitional assistance to equitably implement the provision of no-cost reusable bags as set forth  
140 in subsection (a). The department shall consult with the Massachusetts Growth Capital  
141 Corporation to equitably implement the provision of grants to small businesses to assist in the  
142 reduction of plastic use.



143 SECTION 3. Chapter 94 of the General Laws is hereby amended by inserting after  
144 section 329 the following section:-

145 Section 330. (a) As used in this section, the following words shall have the following  
146 meanings unless the context clearly requires otherwise:

147 “Covered entity”, a person, corporation, business or other entity that manufactures,  
148 produces or packages a covered product and shall include, but not be limited to, a wholesaler,  
149 supplier or retailer that is responsible for labeling a covered product.

150 “Covered product”, a premoistened, nonwoven disposable wipe composed in part or  
151 entirely of petrochemical-derived fibers that is reasonably likely to be flushed down a toilet or  
152 otherwise caused to enter a plumbing, septic or sewer system; provided, however, that a  
153 “covered product” shall include, but not be limited to, baby wipes, disinfecting wipes and facial  
154 wipes; provided further, that a “covered product” shall not include wipes composed entirely of  
155 wood pulp fibers and engineered to lose strength and degrade after disposal.

156 (b) A covered entity shall clearly label a covered product that the entity produces,  
157 manufactures, packages, offers for sale or sells in the commonwealth with the phrase “Do Not  
158 Flush”.

159 (c) Whoever violates this section, or any regulation, rule or other order or action adopted  
160 or issued pursuant to this section, shall be subject to a fine, civil penalty or, notwithstanding the  
161 limitations set forth in section 16 of chapter 21A, civil administrative penalty of not more than  
162 \$2,500 per violation. Producing, manufacturing, packaging, offering for sale or selling 1 or more  
163 units of the same covered product in violation of this section shall constitute a single violation

164 for each day such violation occurs. This shall be in addition to any other penalty or remedy  
165 prescribed by law.

166 The attorney general and district attorneys shall enforce this section. The office of  
167 consumer affairs and business regulation may refer violations of this section to a district attorney  
168 or the attorney general for enforcement, including, but not limited to, for actions assess monetary  
169 penalties and enjoinder. The superior court department of the trial court shall have jurisdiction  
170 to assess civil penalties as set forth in this section and to enjoin violations of, and grant such  
171 additional relief as it deems necessary or appropriate to secure compliance with, this section, or  
172 any regulation, rule or other order or action adopted or issued pursuant to this section.

173 (d) The office of consumer affairs and business regulation may promulgate regulations to  
174 implement and enforce this section.

175 SECTION 4. The department of environmental protection shall conduct a culturally  
176 competent and linguistically diverse outreach and education program regarding non-flushable  
177 wipes consistent with section 330 of chapter 94 of the General Laws. In preparing and delivering  
178 the outreach and education program, the department shall consult with the Massachusetts Water  
179 Resources Authority, the Greater Lawrence Sanitary District, Upper Blackstone Clean Water, the  
180 city of Springfield water and sewer commission, the city of Pittsfield wastewater treatment plant  
181 division, the city of New Bedford department of public infrastructure wastewater division, the  
182 city of Fall River sewer commission, the city of Brockton department of public works sewer  
183 division, the town of Franklin water and sewer division, the city of Attleboro wastewater  
184 department and the Barnstable county Alternative Septic System Tracking program.

185 SECTION 5. Not later than December 31, 2024, the department of environmental  
186 protection shall publish on its website and submit to the senate and house committees on ways  
187 and means and the joint committee on environment and natural resources a report stating its  
188 progress on implementing the composting and other components of the department's Organics  
189 Action Plan of November 2023. The report shall clearly indicate any legislative changes or  
190 resources necessary to increase the rate at which food and organic waste is composted and  
191 reduce the contamination of waste and recycling streams by compostable materials.

192 SECTION 6. There shall be a special legislative commission for the purpose of  
193 recommending to the general court an extended producer responsibility plan for the  
194 commonwealth. The commission shall include: the commissioner of environmental protection or  
195 a designee, who shall serve as chair; the commissioner of agricultural resources or a designee;  
196 the director of the Massachusetts office of business development or a designee; 1 person to be  
197 appointed by the attorney general, who shall have expertise in consumer protection; 1 person to  
198 be appointed by the senate chair of the joint committee on environment and natural resources; 1  
199 person to be appointed by the minority leader of the senate; 1 person to be appointed by the  
200 house chair of the joint committee on environment and natural resources; 1 person to be  
201 appointed by the minority leader of the house of representatives; 1 person to be appointed by the  
202 Massachusetts Association of Regional Planning Agencies; and 11 additional persons to be  
203 appointed by the chair, 1 of whom shall be a packaging producer or retailer, 1 of whom shall be a  
204 waste hauler or material recovery facility operator, 1 of whom shall be a municipal official or  
205 employee, 1 of whom shall be a food producer or farmer, 1 of whom shall represent a statewide  
206 environmental protection organization, 1 of whom shall represent a statewide or community  
207 environmental justice organization, 1 of whom shall represent a regional or community

208 environmental protection organization, 1 of whom shall represent a freshwater or marine litter  
209 program, 1 of whom shall represent a regional wastewater management entity, 1 of whom shall  
210 be an environmental health scientist and 1 of whom shall be a human health scientist. The chair  
211 shall consider geographic diversity in making appointments to the commission. The chair may  
212 select a third-party facilitator for the commission. The extended producer responsibility plan  
213 shall include: (i) recommendations on specific extended producer responsibility goals and  
214 strategies for product categories including, but not limited to, paint, mattresses, electronics and  
215 packaging; (ii) recommendations on a material cost differentiation system; (iii) a proposed  
216 structure for producer payments and collector reimbursements; (iv) information on net costs of  
217 residential curbside collection or transfer station operations, on-site processing costs for each  
218 readily recyclable material type, management costs of non-readily recyclable materials and other  
219 cost factors; and (v) methods for incentivizing packaging production and waste stream  
220 contamination reduction, which may include reuse and lifespan extensions. Not later than March  
221 1, 2026, the commission shall submit its recommendations and related factual findings to the  
222 senate and house committees on ways and means and the joint committee on environment and  
223 natural resources and the department of environmental protection shall publish said  
224 recommendations and related factual findings on its website.

225 SECTION 7. Except as otherwise provided herein, this act shall take effect on January 1,  
226 2025.

227 SECTION 8. Section 3 shall take effect on January 1, 2026.