

HOUSE No. 1019

The Commonwealth of Massachusetts

PRESENTED BY:

Edward R. Philips

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 the reduction of plastics.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Edward R. Philips</i>	<i>8th Norfolk</i>	<i>1/16/2025</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>2/3/2025</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/3/2025</i>
<i>Erika Uytendhoeven</i>	<i>27th Middlesex</i>	<i>2/10/2025</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/10/2025</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>3/24/2025</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>4/7/2025</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>10/13/2025</i>
<i>Sally P. Kerans</i>	<i>13th Essex</i>	<i>11/12/2025</i>

HOUSE No. 1019

By Representative Philips of Sharon, a petition (accompanied by bill, House, No. 1019) of Edward R. Philips and others relative to the reduction of plastics. Environment and Natural Resources.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 882 OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to the reduction of 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. As used in this chapter, the following words shall have the following meanings
2 unless the context clearly requires otherwise:

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

5 “Carryout bag”, a bag provided to a customer to hold items purchased from or serviced
6 by a business, retailer, organization or other entity; provided, however, that “carryout bag” shall
7 not include a non-handled bag: (i) provided by a pharmacy to a customer purchasing prescription
8 medication; (ii) used to protect items from damaging or contaminating other purchased items
9 placed in a recycled paper bag or a reusable grocery bag; (iii) provided to contain an unwrapped

food item; (iv) used to protect articles of clothing on a hanger; (v) used to prevent frozen food items from thawing; (vi) provided or made available to a customer purchasing raw meat, uncooked seafood or other similar products; or (vii) used to protect small items from loss.

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

“Department”, the department of environmental protection.

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

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

“Intentional release”, an event where one or more persons knowingly releases one or more balloons of any type into the atmosphere.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) No food service ware provided consistent with this section shall be made from black plastic; provided, however, that the provisions of this subsection shall not apply to prepared food packaged outside of the commonwealth.

Section 4. No retail establishment shall sell or otherwise provide to a consumer alcoholic beverages in plastic containers less than or equal to 100 milliliters. Each day a retail establishment is in violation of this section shall be considered a separate violation.

Section 5. No retail establishment shall sell or otherwise provide to a consumer plastic bottles containing 1 liter or less of non-carbonated, non-flavored water, except as may be required for safety, health, or public welfare, or to prepare for or respond to an emergency. Each day a retail establishment is in violation of this section shall be considered a separate violation.

Section 6. (a) For the purposes of this section, “state agency” shall mean any department of the executive branch, the legislative branch, the judicial branch and any independent state authority, quasi-public authority, board, district, commission, instrumentality or agency.

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

(c) State funds shall not be used to purchase single-use plastic bottles that have a capacity of not more than 64 fluid ounces of non-carbonated, non-flavored water for use in a facility that is served by a public water supply or potable well water; provided, however, that state funds may be used if required to provide for disability or accessibility related accommodations.

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

Section 7. The department shall establish a statewide program to provide for the recycling of bulk plastic materials, including, but not limited to child passenger restraints as defined in section 1 of chapter 90, and may: (i) implement local or regional bulk plastic recycling programs; (ii) accept applications from municipalities for grants and to award grants to assist in the development or establishment of local and regional bulk plastic recycling projects; and (iii) partner or contract with private organizations to assist in the development or establishment of a bulk plastic recycling program.

Section 8. (a) The organization of or participation in an intentional release of any type of balloon, including but not limited to plastic, latex and mylar, filled with any type of gas lighter than air is hereby prohibited. Each intentional release, or organization of an intentional release, shall constitute a separate violation.

(b) The provisions of this section shall not apply to: (i) balloons released by or on behalf of any agency of the commonwealth or the United States for scientific or meteorological purposes; (ii) hot air balloons that are recovered after launch; or (iii) balloons released by a person under the age of 12 years.

(c) The department shall prepare and make available to retail distributors (i) notice of the provisions of this section; and (ii) information about the harmful effects of releasing balloons

into the environment. The notice shall be available in English and in any other language spoken by at least ten percent of the Massachusetts population. The notice shall be available for download on the department's website.

(d) Retail distributors of balloons of any type shall: (i) post the notice described in subparagraph (c) on websites used for online sales transactions and in retail locations in a location that is visible to customers; and (ii) provide each customer purchasing one or more balloons, including but not limited to online transactions, with information about the harmful effects of releasing balloons into the environment. Retailers may provide customers purchasing balloons with weights and fasteners.

Section 9. A municipality shall not pass, adopt, promulgate or otherwise effectuate an ordinance, by-law or other rule or regulation inconsistent with this chapter.

Section 10. Except as otherwise provided, the department shall promulgate regulations to implement and enforce this chapter. The department may promulgate regulations to increase the minimum postconsumer recycled material required for recycled paper bags.

Section 11. The department shall establish and assess civil administrative penalties pursuant to section 16 of chapter 21A for violations of this chapter.

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

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

Section 2EEEEEE. (a) There shall be a Plastics Environmental Protection Fund to be expended, without prior appropriation, by the department of environmental protection. The fund shall consist of: (i) revenue from appropriations or other money authorized by the general court and specifically designated to be credited to the fund; (ii) interest earned on such revenues; (iii) funds from public and private sources, including, but not limited to, gifts, grants, donations and settlements received by the commonwealth that are designated to be credited to the fund; (iv) federal funds paid to the commonwealth designated to be credited to the fund; and (v) monies paid to the commonwealth pursuant to chapter 21P, including all funds collected by the department of revenue pursuant to section 2 of said chapter 21P. The fund shall be expended to: (i) improve the air, water, soil or other environmental conditions for low and moderate income communities; (ii) provide reusable bags to low and moderate income communities and individuals receiving benefits administered by the department of transitional assistance at no cost; (iii) issue grants to small businesses that are incorporated and have principal places of business in the commonwealth to assist in the reduction of plastic use within each business, including, but not limited to, small businesses in the food service and production industries; and (iv) provide multilingual, culturally competent educational materials and programming, including, but not limited to, experiential education regarding bag reuse and recycling and other aspects of environmental protection. Any bond proceeds deposited into the fund shall be kept separate from any and all other funds deposited into the fund. No expenditure from the fund shall cause the fund to be in deficiency at the close of a fiscal year. Monies deposited into the fund

that are unexpended at the end of a fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent fiscal year.

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

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

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

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

“Covered product”, a premoistened, nonwoven disposable wipe composed in part or entirely of petrochemical-derived fibers that is reasonably likely to be flushed down a toilet or otherwise caused to enter a plumbing, septic or sewer system; provided, however, that a “covered product” shall include, but not be limited to, baby wipes, disinfecting wipes and facial

wipes; provided further, that a “covered product” shall not include wipes composed entirely of wood pulp fibers and engineered to lose strength and degrade after disposal.

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

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

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

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

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

SECTION 5. Not later than December 31, 2025, the department of environmental protection shall publish on its website and submit to the clerks of the senate and house of representatives, the senate and house committees on ways and means and the joint committee on environment and natural resources a report stating its progress on implementing the composting and other components of the department's Organics Action Plan of November 2023. The report shall clearly indicate any legislative changes or resources necessary to increase the rate at which food and organic waste is composted and reduce the contamination of waste and recycling streams by compostable materials.

SECTION 6. The department of environmental protection shall study and make recommendations on the feasibility and benefits of banning foam and solid polystyrene in the commonwealth. The study shall include, but not be limited to, an analysis of the: (i) environmental and other benefits of banning foam and solid polystyrene products; (ii) health impacts of foam and solid polystyrene use; (iii) reasonable and affordable alternatives to foam

227 and solid polystyrene; and (iv) cost impacts of banning foam and solid polystyrene products on
228 retailers, consumers and municipalities.

229 Not later than June 30, 2026, the department shall file a report on their findings and
230 recommendations with the clerks of the senate and the house of representatives and the joint
231 committee on environment and natural resources.

232 SECTION 7. Except as otherwise provided herein, this act shall take effect on January 1,
233 2026.

234 SECTION 8. Section 3 shall take effect on January 1, 2028.

235 SECTION 9. Section 4 shall take effect on January 1, 2027.