HOUSE DOCKET, NO. 1289 FILED ON: 1/14/2025

HOUSE . . . . . No. 2394

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

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:	DATE ADDED:
Marjorie C. Decker	*25th Middlesex*	*1/14/2025*
Brian W. Murray	*10th Worcester*	*2/3/2025*
Paul McMurtry	*11th Norfolk*	*2/5/2025*
James B. Eldridge	*Middlesex and Worcester*	*2/10/2025*
Natalie M. Higgins	*4th Worcester*	*2/24/2025*
Danillo A. Sena	*37th Middlesex*	*3/14/2025*
Amy Mah Sangiolo	*11th Middlesex*	*4/7/2025*
Sally P. Kerans	*13th Essex*	*4/7/2025*
Estela A. Reyes	*4th Essex*	*5/28/2025*

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HOUSE . . . . . No. 2394

By Representative Decker of Cambridge, a petition (accompanied by bill, House, No. 2394) of Marjorie C. Decker and others relative to the use of polystyrene containers and wares by certain food and retail establishments. Public Health.

The Commonwealth of Massachusetts

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

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:

Chapter 111 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after section 5S the following section:-

Section 5T. For the purposes of this section “disposable food container” shall mean single-use disposable products used in the restaurant, food service, and food sales industries for serving, transporting, or packaging prepared, ready-to-consume, or uncooked food or beverages. This includes but is not limited to plates, cups, bowls, trays, hinged or lidded containers, straws, cup lids, and utensils. “Food establishment” shall mean an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, including but not limited to any establishment requiring a permit to operate in accordance with the State Food Code. “Polystrene” shall mean a synthetic resin which is a polymer of styrene, used chiefly as lightweight rigid foams and solid containers. “Prepared food” shall mean any food or beverage prepared for consumption on the food provider's premises, using any cooking or food preparation

technique. This does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation. “Retail establishment” shall mean any commercial business facility that sells goods directly to the consumer including but not limited to grocery stores, pharmacies, liquor stores, convenience stores, restaurants, retail stores and vendors selling clothing, food, and personal items

(b) Except as provided herein, on or after August 1, 2026, food establishments shall be prohibited from dispensing food to customers in disposable food service containers made from polystyrene.

(c) Except as provided herein, on and after August 1, 2026, retail establishments shall be prohibited from selling or distributing polystyrene food service ware to customers.

(d) The department shall promulgate regulations for the enforcement of this section. Said regulations shall establish (i) fines not to exceed one thousand dollars for any single violation and (ii) a process for deferments, in accordance with the following:

(1) Upon written application to the health department of the town or city in which it operates, and upon showing by the food establishment that the conditions of this provision would cause undue hardship, the municipal health department or its designee may defer application of this provision for a food establishment for a one year period. An “undue hardship” shall mean a situation unique to the food establishment where there are no reasonable alternatives to the use of polystyrene disposable food service containers and compliance with this provision would cause significant economic hardship to that food establishment.

(2) A food establishment granted a deferment must reapply prior to the end of that period and demonstrate continued undue hardship, if it wishes to have the deferment extended. Deferments may only be granted for intervals not to exceed one year.

(3) The application for a deferment or extension thereof shall include all information necessary for the municipal health department or its designee to make its decision, including but not limited to, documentation showing the factual support for the claimed deferment. The municipal health department or its designee may require the applicant to provide such additional information that it reasonably deems necessary to render a decision.

(4) The municipal health department or its designee may approve the deferment application, in whole or in part, with or without conditions.