

SENATE No. 2541

The Commonwealth of Massachusetts

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

SENATE, June 23, 2025.

The committee on Environment and Natural Resources, to whom was referred the petitions (accompanied by bill, Senate, No. 543) of Michael J. Barrett for legislation to reduce disposable plastic straw waste; (accompanied by bill, Senate, No. 554) of Cynthia Stone Creem for legislation to establish the Sustainable Food Service Ware Act; (accompanied by bill, Senate, No. 589) of James B. Eldridge and Steven Owens for legislation to protect wastewater and sewerage systems through the labeling of non-flushable wipes; (accompanied by bill, Senate, No. 590) of James B. Eldridge and Joanne M. Comerford for legislation relative to plastic bag reduction; (accompanied by bill, Senate, No. 609) of John F. Keenan for legislation to prohibit hotels from providing plastic-packaged personal care products; (accompanied by bill, Senate, No. 629) of Jason M. Lewis and Joanne M. Comerford for legislation to reduce the use of polystyrene, opting for reusable alternatives to protect the environment; (accompanied by bill, Senate, No. 630) of Jason M. Lewis, Joanne M. Comerford and James B. Eldridge for legislation to reduce single-use plastics from the environment; (accompanied by bill, Senate, No. 643) of Michael O. Moore for legislation to define recyclable beverage containers; and (accompanied by bill, Senate, No. 654) of Rebecca L. Rausch, Edward R. Philips, Joanne M. Comerford, Brian W. Murray and other members of the General Court for legislation to reduce plastics, report the accompanying bill (Senate, No. 2541).

For the committee,
Rebecca L. Rausch

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

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

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

33 “Postconsumer recycled material”, material used in a recycled paper bag that would
34 otherwise be destined for solid waste disposal, having completed its intended end use and
35 product life cycle, and that does not comprise any material or byproduct generated from, and
36 commonly reused within, an original manufacturing and fabrication process.

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

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

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

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

52 Section 2. (a) A retailer or charging entity shall not provide a customer with a carryout
53 bag unless such carryout bag is a recycled paper bag or a reusable bag; provided, however, that a
54 customer shall be charged not less than 10 cents per recycled paper bag; and provided further,

55 that a recycled paper bag purchased under this section shall not be subject to taxation pursuant to
56 chapter 64H or 64I.

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

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

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

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

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

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

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

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

87 Section 5. (a) For the purposes of this section, “state agency” shall mean any department
88 of the executive branch, the legislative branch, the judicial branch and any independent state
89 authority, quasi-public authority, board, district, commission, instrumentality or agency.

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

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

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

103 Section 6. The department shall establish and maintain a statewide program to provide for
104 the recycling of bulk plastic materials, including, but not limited to child passenger restraints as
105 defined in section 1 of chapter 90, and may: (i) implement local or regional bulk plastic recycling
106 programs; (ii) accept applications from municipalities for grants and to award grants to assist in
107 the development or establishment of local and regional bulk plastic recycling projects; and (iii)
108 partner or contract with private organizations to assist in the development or establishment of a
109 bulk plastic recycling program.

110 Section 7. (a) The organization of or participation in an intentional release of any type of
111 balloon, including but not limited to plastic, latex and mylar, filled with any type of gas lighter
112 than air is hereby prohibited. Each intentional release, or organization of an intentional release,
113 shall constitute a separate violation.

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

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

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

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

129 Section 8. A municipality shall not pass, adopt, promulgate or otherwise effectuate an
130 ordinance, by-law or other rule or regulation inconsistent with this chapter.

131 Section 9. Except as otherwise provided, the department shall promulgate regulations to
132 implement and enforce this chapter. The department may promulgate regulations to increase the
133 minimum postconsumer recycled material required for recycled paper bags.

134 Section 10. The department shall establish and assess civil administrative penalties
135 pursuant to section 16 of chapter 21A for violations of this chapter.

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

142 SECTION 2. Section 1 of chapter 21P of the General Laws, as appearing in section 1, is
143 hereby amended by inserting the following paragraphs:-

144 “Hotel”, a building or portion of a building regularly used for the lodging of guests,
145 including but not limited to an apartment hotel, a motel or a boarding house, whether or not
146 meals are served on the premises.

147 “Hospitality personal care product”, a product provided by a hotel and intended to be
148 applied to or used on the human body or any part thereof for cleansing, conditioning or
149 moisturizing, including but not limited to shampoo, conditioner, lotion and liquid soap.

150 SECTION 3. Section 3 of chapter 21P of the General Laws, as appearing in section 1, is
151 hereby amended by inserting at the end thereof the following subsection:-

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

155 SECTION 4. Section 4 of chapter 21P of the General Laws, as appearing in section 1, is
156 hereby amended by inserting at the end thereof the following subsection:-

157 (c) A hotel shall not provide or otherwise make available a hospitality personal care
158 product in a plastic container containing with a volume of less than or equal to 12 ounces. Each
159 day a hotel is in violation of this section shall be considered a separate violation.

160 SECTION 5. Chapter 29 of the General Laws is hereby amended by inserting after
161 section 2DDDDDD the following section:-

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

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

193 SECTION 6. Chapter 94 of the General Laws is hereby amended by inserting after
194 section 329 the following section:-

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

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

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

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

209 (c) Whoever violates this section, or any regulation, rule or other order or action adopted
210 or issued pursuant to this section, shall be subject to a fine, civil penalty or, notwithstanding the
211 limitations set forth in section 16 of chapter 21A, civil administrative penalty of not more than
212 \$2,500 per violation. Producing, manufacturing, packaging, offering for sale or selling 1 or more
213 units of the same covered product in violation of this section shall constitute a single violation
214 for each day such violation occurs. This shall be in addition to any other penalty or remedy
215 prescribed by law.

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

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

225 SECTION 7. The department of environmental protection shall conduct a culturally
226 competent and linguistically diverse outreach and education program regarding non-flushable
227 wipes consistent with section 330 of chapter 94 of the General Laws. In preparing and delivering

228 the outreach and education program, the department shall consult with the Massachusetts Water
229 Resources Authority, the Greater Lawrence Sanitary District, Upper Blackstone Clean Water, the
230 city of Springfield water and sewer commission, the city of Pittsfield wastewater treatment plant
231 division, the city of New Bedford department of public infrastructure wastewater division, the
232 city of Fall River sewer commission, the city of Brockton department of public works sewer
233 division, the town of Franklin water and sewer division, the city of Attleboro wastewater
234 department and the Barnstable county Alternative Septic System Tracking program.

235 SECTION 8. Not later than December 31, 2025, the department of environmental
236 protection shall publish on its website and submit to the clerks of the senate and house of
237 representatives, the senate and house committees on ways and means and the joint committee on
238 environment and natural resources a report stating its progress on implementing the composting
239 and other components of the department's Organics Action Plan of November 2023. The report
240 shall clearly indicate any legislative changes or resources necessary to increase the rate at which
241 food and organic waste is composted and reduce the contamination of waste and recycling
242 streams by compostable materials.

243 SECTION 9. The department of environmental protection shall study and make
244 recommendations on the feasibility and benefits of banning foam and solid polystyrene in the
245 commonwealth. The study shall include, but not be limited to, an analysis of the: (i)
246 environmental and other benefits of banning foam and solid polystyrene products; (ii) health
247 impacts of foam and solid polystyrene use; (iii) reasonable and affordable alternatives to foam
248 and solid polystyrene; and (iv) cost impacts of banning foam and solid polystyrene products on
249 retailers, consumers and municipalities.

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

253 SECTION 10. Except as otherwise provided herein, this act shall take effect on July 1,
254 2026.

255 SECTION 11. Sections 2, 3, 4 and 7 shall take effect on January 1, 2027.

256 SECTION 12. Section 6 shall take effect on January 1, 2028.