

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Rebecca L. Rausch

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 reduce plastics.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Rebecca L. Rausch

Norfolk, Worcester and Middlesex

Edward R. Philips

8th Norfolk

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 570 OF 2023-2024.]

The Commonwealth of Massachusetts

**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 pyrolysis, gasification or other heat chemical conversion processes, or landfill disposal.

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

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

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

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

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

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

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

70 (e) A business with only 1 store location of not more than 4,000 square feet of retail
71 selling space and not more than 10 employees, and which provided not more than 10,000

72 carryout bags in total during the previous calendar year, shall not be required to collect or remit
73 bag fees as otherwise set forth in this section.

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

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

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

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

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

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

91 (b) State agencies shall not procure single-use plastic bottles that have a capacity of not
92 more than 21 fluid ounces; provided, however, that state agencies shall be exempt from this

93 requirement if such exemption is required to provide for disability or accessibility related
94 accommodations.

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

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

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

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

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

119 (c) The department shall prepare and make available to retail distributors (i) notice of the
120 provisions of this section; and (ii) information about the harmful effects of releasing balloons
121 into the environment. The notice shall be available in English and in any other language spoken
122 by at least ten percent of the Massachusetts population. The notice shall be available for
123 download on the department's website.

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

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

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

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

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

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

145 Section 2EEEEEE. (a) There shall be a Plastics Environmental Protection Fund to be
146 expended, without prior appropriation, by the department of environmental protection. The fund
147 shall consist of: (i) revenue from appropriations or other money authorized by the general court
148 and specifically designated to be credited to the fund; (ii) interest earned on such revenues; (iii)
149 funds from public and private sources, including, but not limited to, gifts, grants, donations and
150 settlements received by the commonwealth that are designated to be credited to the fund; (iv)
151 federal funds paid to the commonwealth designated to be credited to the fund; and (v) monies
152 paid to the commonwealth pursuant to chapter 21P, including all funds collected by the
153 department of revenue pursuant to section 2 of said chapter 21P. The fund shall be expended to:
154 (i) improve the air, water, soil or other environmental conditions for low and moderate income
155 communities; (ii) provide reusable bags to low and moderate income communities and
156 individuals receiving benefits administered by the department of transitional assistance at no
157 cost; (iii) issue grants to small businesses that are incorporated and have principal places of
158 business in the commonwealth to assist in the reduction of plastic use within each business,
159 including, but not limited to, small businesses in the food service and production industries; and

160 (iv) provide multilingual, culturally competent educational materials and programming,
161 including, but not limited to, experiential education regarding bag reuse and recycling and other
162 aspects of environmental protection. Any bond proceeds deposited into the fund shall be kept
163 separate from any and all other funds deposited into the fund. No expenditure from the fund shall
164 cause the fund to be in deficiency at the close of a fiscal year. Monies deposited into the fund
165 that are unexpended at the end of a fiscal year shall not revert to the General Fund and shall be
166 available for expenditure in the subsequent fiscal year.

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

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

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

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

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

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

192 (c) Whoever violates this section, or any regulation, rule or other order or action adopted
193 or issued pursuant to this section, shall be subject to a fine, civil penalty or, notwithstanding the
194 limitations set forth in section 16 of chapter 21A, civil administrative penalty of not more than
195 \$2,500 per violation. Producing, manufacturing, packaging, offering for sale or selling 1 or more
196 units of the same covered product in violation of this section shall constitute a single violation
197 for each day such violation occurs. This shall be in addition to any other penalty or remedy
198 prescribed by law.

199 The attorney general and district attorneys shall enforce this section. The office of
200 consumer affairs and business regulation may refer violations of this section to a district attorney
201 or the attorney general for enforcement, including, but not limited to, for actions to assess

202 monetary penalties and injunction. The superior court department of the trial court shall have
203 jurisdiction to assess civil penalties as set forth in this section and to enjoin violations of, and
204 grant such additional relief as it deems necessary or appropriate to secure compliance with, this
205 section, or any regulation, rule or other order or action adopted or issued pursuant to this section.

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

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

218 SECTION 5. Not later than December 31, 2025, the department of environmental
219 protection shall publish on its website and submit to the clerks of the senate and house of
220 representatives, the senate and house committees on ways and means and the joint committee on
221 environment and natural resources a report stating its progress on implementing the composting
222 and other components of the department's Organics Action Plan of November 2023. The report
223 shall clearly indicate any legislative changes or resources necessary to increase the rate at which

224 food and organic waste is composted and reduce the contamination of waste and recycling
225 streams by compostable materials.

226 SECTION 6. The department of environmental protection shall study and make
227 recommendations on the feasibility and benefits of banning foam and solid polystyrene in the
228 commonwealth. The study shall include, but not be limited to, an analysis of the: (i)
229 environmental and other benefits of banning foam and solid polystyrene products; (ii) health
230 impacts of foam and solid polystyrene use; (iii) reasonable and affordable alternatives to foam
231 and solid polystyrene; and (iv) cost impacts of banning foam and solid polystyrene products on
232 retailers, consumers and municipalities.

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

236 SECTION 7. Except as otherwise provided herein, this act shall take effect on January 1,
237 2026.

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

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