

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis

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 single-use plastics from the environment.

PETITION OF:

NAME:

Jason M. Lewis

DISTRICT/ADDRESS:

Fifth Middlesex

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 525 OF 2023-2024.]

The Commonwealth of Massachusetts

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

An Act to reduce single-use plastics from the environment.

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. Title II of the General Laws is hereby amended by inserting after chapter
2 21O the following chapter:-

3 CHAPTER 21P: PLASTIC BAG REDUCTION

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

6 “Carryout bag”, a bag that is provided to a customer to carry items purchased from or
7 serviced by a retail establishment. A carryout bag does not include the following: (i) a bag
8 provided by a pharmacy to a customer purchasing prescription medication; (ii) a bag used to
9 protect items from damaging or contaminating other purchased items placed in a recycled paper
10 bag or a reusable grocery bag; (iii) a bag provided to contain an unwrapped food item; (iv) a bag

11 to protect articles of clothing on a hanger; (v) a bag to prevent frozen food items, including ice
12 cream, from thawing; (vi) a bag to protect small items from loss.

13 “Postconsumer recycled material”, a material that would otherwise be destined for solid
14 waste disposal, having completed its intended end use and product life cycle. Postconsumer
15 recycled material does not include materials and byproducts generated from, and commonly
16 reused within, an original manufacturing and fabrication process.

17 “Recycled paper bag”, a paper bag that is (i) 100 per cent recyclable; (ii) contains a
18 minimum of 40 per cent postconsumer recycled materials, provided, however, that an 8 pound or
19 smaller recycled paper bag shall contain a minimum of 20 per cent postconsumer recycled
20 material; and (iii) displays the words "Recyclable" and "made from 40% post-consumer recycled
21 content" or other applicable amount in a visible manner on the outside of the bag.

22 “Reusable grocery bag”, a bag that is not a plastic film bag, has handles that are stitched
23 and not heat fused, and that is made of machine-washable cloth, hemp, or other woven or non-
24 woven fibers, fabrics, or materials that are at least 45 grams per square meter, designed and
25 manufactured specifically for multiple uses.

26 “Single-use carryout bag”, a carryout bag made of plastic, paper, or other material that is
27 provided by a Retail establishment to a customer at the point of sale and that is not a recycled
28 paper bag or a reusable grocery bag.

29 “Retail establishment”, a store or premises in which a person is engaged in the retail
30 business of selling or providing merchandise, goods, groceries, prepared take-out food and
31 beverages for consumption off-premises or the servicing of an item, directly to customers at such
32 store or premises, including, but not limited to, grocery stores, department stores, pharmacies,

33 convenience stores, restaurants, coffee shops and seasonal and temporary businesses, including
34 farmers markets and public markets; provided, however, that a “retail establishment” shall also
35 include a food truck or other motor vehicle, mobile canteen, trailer, market pushcart or moveable
36 roadside stand used by a person from which to engage in such business directly with customers
37 and business establishments without a storefront, including, but not limited to, a business
38 delivering prepared foods or other food items, web-based or catalog business or delivery services
39 used by a retail establishment; provided further, that a “retail establishment” shall include a non-
40 profit organization, charity or religious institution that has a retail establishment and holds itself
41 out to the public as engaging in retail activities that are characteristic of similar type retail
42 businesses, whether or not for profit when engaging in such activity; provided further that a
43 “retail establishment” shall include K-12 food service operations or institutional cafeterias,
44 including those operated by or on behalf of any government entity.

45 Section 2. (a) Eighteen months after the enactment of this law, a Retail establishment
46 shall not sell or otherwise distribute to a customer a carryout out bag that is not: a (i) reusable
47 grocery bag, or (ii) recycled paper bag.

48 (b) For up to 180 days from the date of enactment, a Retail establishment may make
49 available a single-use carryout bag, reusable grocery bag, or recycled paper bag to a customer.

50 (c) From 180 days to eighteen months after the enactment of this law, if a Retail
51 establishment makes available a single-use carryout bag, recycled paper bag, or reusable grocery
52 bag to a customer, the price of a single-use carryout bag, recycled paper bag, or reusable grocery
53 bag shall be not less than \$0.10 each.

54 (d) From eighteen months after the enactment of this law, if a Retail establishment makes
55 available a recycled paper bag or a reusable grocery bag to a customer, the price of a recycled
56 paper bag or a reusable grocery bag shall be not less than \$0.10 each.

57 (e) All moneys collected pursuant to this section shall be retained by the Retail
58 establishment.

59 (f) Subsections (a)-(d) shall not apply to any type of bag used by a Retail establishment or
60 provided by a retail establishment to a customer for: (i) providing or distributing prepared foods,
61 groceries or articles of clothing at no cost or at a substantially reduced cost by a nonprofit
62 organization, charity or religious institution, or (ii) any item that requires the use of a certain type
63 of bag under federal or state law.

64 (g) The department of environmental protection shall promulgate regulations with regard
65 to the enforcement of this chapter. The department of environmental protection shall establish a
66 small business exemption process by which a Retail establishment may elect to be exempt from
67 the provisions of subsections (b) through (d) of this section. A Retail establishment electing for
68 said exemption must upon request submit to the department of environmental protection a self-
69 audit attesting that they meet the following criteria:

70 (1) the owner of the Retail establishment has 3 or fewer store locations under the same
71 ownership; and

72 (2) each Retail establishment has less than 4,000 square feet of retail selling space; and

73 (3) each Retail establishment has 15 or fewer employees employed at the store location;

74 and either

75 (4) the Retail establishment is not a food establishment as defined by 105 CMR
76 590.001(C); or

77 (5) the Retail establishment provided to consumers at the point of sale less than 15,000
78 carry-out bags or checkout bags in total during the previous calendar year.

79 (h) Nothing in this section shall prohibit a customer from bringing a personal bag, made
80 or comprised of any material, to a retail establishment to carry out items purchased from or
81 serviced by the retail establishment.

82 (i) A retail establishment shall not be prohibited from selling or offering for sale to
83 customers: (i) any package containing several bags, including, but not limited to, food bags,
84 sandwich bags, yard waste bags, garbage bags or municipal pay-as-you-throw program trash
85 bags; (ii) any product, merchandise or good with a protective bag, a bag to hold related
86 accessories, parts or instruction manuals or a bag used as product packaging that the retail
87 establishment received with such item or product from the manufacturer, distributor or vendor;
88 or (iii) any bag that is not a retail type carryout bag that is sold or offered for sale as a product or
89 merchandise, including, but not limited to, sports bags, handbags, equipment bags, tent bags or
90 other bags specifically designed to protect or contain a particular item.

91 (j) Notwithstanding subsections (c)-(d) and to the extent permitted under federal and state
92 law, a retail establishment that makes available for purchase a recycled paper bag at the point of
93 sale shall not charge a fee for the bag to a customer using an electronic benefit transfer card as
94 payment.

95 Section 3. This chapter shall preempt any limitation by any political subdivision of the
96 commonwealth regarding the use, sale or distribution of carryout bags by a Retail establishment

97 to the extent that it is regulated or covered by this chapter. Any part of a municipal ordinance,
98 bylaw or regulation, including a regulation of a board of health, that is inconsistent with this
99 chapter shall be null and void 180 days after the enactment of this law.

100 Section 4. (a) Each city and town shall enforce this chapter through its enforcing
101 authority as determined under subsection (c).

102 (b) A retail establishment that violates this chapter shall be subject to a warning for the
103 first violation, a civil penalty of up to \$500 for the second violation and a civil penalty of up to
104 \$1000 for a third or subsequent violation. Each day a retail establishment is in violation of this
105 chapter shall be considered a separate violation. Each city and town shall dispose of a civil
106 violation under this subsection by the non-criminal method of disposition procedures contained
107 in section 21D of chapter 40 without an enabling ordinance or bylaw.

108 (c) Each city and town shall designate the municipal board, department or official
109 responsible for the local enforcement of this chapter and for the collection of money resulting
110 from civil penalties assessed for violations of this chapter. A city or town shall retain any civil
111 penalties collected for such violations.

112 Section 5. The department of environmental protection may through regulation: (i)
113 increase or adjust the postconsumer recycled material percentage in a recycled paper bag; (ii)
114 increase or adjust the fee established under subsections (c)-(d) of section 2; (iii) allow a retail
115 establishment to use other non-plastic type carryout bags that are recyclable or compostable,
116 provided however that such regulations shall not be implemented prior to the universal
117 availability of a safe disposal route for compostable bags and, provided further, that the

118 department shall seek public comment on said proposed regulations; and (iv) promulgate
119 standards regulating bags authorized under subsection (b) of section 2.

120 The department of environmental protection shall, when adopting or amending any
121 standard for an allowed recycled or reusable bag under this chapter, consult with the department
122 of public health on issues relating to food safety and the materials used to produce the bags.

123 The department of environmental protection shall conduct an evaluation of the
124 implementation of this act every three years and shall submit to the clerks of the senate and the
125 house of representatives a report including legislative recommendations not later than December
126 31.

127 Section 6. Nothing in this chapter shall prohibit or limit the department of environmental
128 protection's authority to enforce this chapter.

129 Section 7. Notwithstanding any general or special law to the contrary, the department of
130 transitional assistance shall, if necessary to implement subsection (j) of section 2 of chapter 21P
131 of the General Laws, use reasonable efforts to seek a waiver from the federal Food and Nutrition
132 Service to implement said subsection (j) of said section 2 of said chapter 21P.

133 SECTION 2. The General Laws are hereby further amended by inserting after chapter
134 21P the following chapter:-

135 Chapter 21Q. Reduce Polystyrene in the Environment

136 Section 1. Definitions.

137 As used in this chapter, the following words shall have the following meanings unless the
138 context clearly requires otherwise:

139 “Disposable Food Service Ware” shall mean single-use or disposable products for
140 heating, storing, packaging, serving, consuming, or transporting prepared or ready-to-consume
141 food or beverages including, but not limited to, bowls, plates, trays, cartons, cups, lids, hinged or
142 lidded containers, spoons, forks and knives. This includes any containers used by food
143 establishments to heat, cook, or store food or beverages prior to serving, regardless of whether
144 such containers are used to serve such food or beverages. Disposable Food Service Ware also
145 includes any such implements sold by Retail Establishments to consumers for personal use.

146 “Foam Polystyrene” shall mean polystyrene in the form of a foam or expanded material,
147 processed by any number of techniques including, but not limited to, fusion of polymer spheres
148 (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding
149 (extruded foam polystyrene).

150 “Food Establishment” shall mean any operation that serves, vends or otherwise provides
151 food or other products to third-parties for consumption and/or use on or off the premises,
152 whether or not a fee is charged, but not including the service of food within a home or other
153 private setting. Any facility requiring a food permit in accordance with the Massachusetts State
154 Food Code, 105 CMR 590.000, et seq. and/or regulations of the Board of Health shall be
155 considered a “food establishment” for purposes of this chapter.

156 “Health Agent” shall mean the Health Agent for the city or town of the facility, or his/her
157 designee.

158 “Packing Material” shall mean material used to hold, cushion, or protect items packed in
159 a container for shipping transport or storage.

160 “Prepared Food” shall mean food or beverages, which are serviced, packaged, cooked,
161 chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared (collectively
162 “prepared”) for individual customers or consumers. Prepared Food does not include raw eggs or
163 raw, butchered meats, fish, seafood, and/or poultry.

164 “Polystyrene” shall mean a synthetic polymer produced by polymerization of styrene
165 monomer. Polystyrene includes both “Foam Polystyrene” and “Solid Polystyrene” as defined in
166 this chapter. The International Resin Identification Code assigned to polystyrene materials is “6”.
167 Polystyrene items may be identified by a "6" or "PS," either alone or in combination with other
168 letters. The regulations and prohibitions relating to polystyrene in this law are intended to apply
169 regardless of the presence or absence of an International Resin Identification Code or other
170 identifying marks on the item.

171 “Retail Establishment” shall mean a store or premises engaged in the retail business of
172 selling or providing merchandise, goods, groceries, prepared take-out food and beverages for
173 consumption off-premises or the serving of an item directly to customers at such store or
174 premises, including, but not limited to, grocery stores, department stores, pharmacies,
175 convenience stores, restaurants, coffee shops and seasonal and temporary businesses, including
176 farmers markets and public markets; provided, however, that a “retail establishment” shall also
177 include a food truck or other motor vehicle, mobile canteen, trailer, market pushcart or moveable
178 roadside stand used by a person from which to engage in such business directly with customers
179 and business establishments without a storefront, including, but not limited to, a business
180 delivering prepared foods or other food items, web-based or catalog business or delivery services
181 used by a retail establishment; provided further, that a “retail establishment” shall include a non-
182 profit organization, charity or religious institution that has a retail establishment and holds itself

183 out to the public as engaging in retail activities that are characteristic of similar type commercial
184 retail businesses, whether or not for profit when engaging in such activity.

185 “Solid Polystyrene” shall mean polystyrene, including clear (oriented) polystyrene,
186 produced in a rigid form with minimal incorporation of air or other gas. Solid polystyrene is also
187 referred to as ‘rigid polystyrene’.

188 Section 2. Regulated Conduct

189 (a) One year after passage of this Act, no Food Establishment in the Commonwealth of
190 Massachusetts may use, sell, offer for sale, or otherwise distribute disposable food service ware
191 made from foam polystyrene or solid polystyrene.

192 (b) One year after passage of this Act, no Retail Establishment in the Commonwealth of
193 Massachusetts may sell, offer for sale, or otherwise distribute: 1. disposable food service ware
194 made from foam polystyrene or solid polystyrene 2. meat trays, fish trays, seafood trays,
195 vegetable trays, or egg cartons made in whole or in any part with foam polystyrene or solid
196 polystyrene 3. distributing packing materials, including packing peanuts, other loose fill
197 packaging and shipping boxes made in whole or in any part with foam polystyrene. 4. coolers,
198 ice chests, or similar containers; pool or beach toys; and dock floats, mooring buoys, or anchor
199 or navigation markers, which are made in whole or in any part with foam polystyrene that is not
200 wholly encapsulated within a more durable material.

201 (c) For the purposes of Section 2(b)(3), ‘distributing packing material’ does not include:
202 1. Re-using packing materials for shipping, transport, or storage within the same distribution
203 system, where the packing materials are not sent to a customer or end user. 2. Receiving
204 shipments within the Commonwealth that include polystyrene foam used as a packing material,

205 provided that the goods were not packaged or repackaged within the Commonwealth of
206 Massachusetts.

207 Section 3. Exemption

208 (a) Nothing in this chapter shall prohibit individuals from using disposable food service
209 ware or other items made of polystyrene purchased outside the Commonwealth of Massachusetts
210 for personal use.

211 (b) Prepared food packaged outside the Commonwealth of Massachusetts is exempt from
212 the provisions of this chapter, provided that it is sold or otherwise provided to the consumer in
213 the same disposable food service ware in which it was originally packaged, and that the prepared
214 food has not been altered or repackaged.

215 (c) The Commonwealth of Massachusetts Department of Environmental Protection or the
216 Board of Health of the city or town in which the food or retail establishment is located may
217 exempt a food establishment or retail establishment from any provision of this chapter for a
218 period of up to six months upon written application by the owner or operator of that
219 establishment. No exemption will be granted unless the Department of Environmental Protection
220 or the Board of Health finds that (1) strict enforcement of the provision for which the exemption
221 is sought would cause undue hardship; or (2) the food establishment or retail establishment
222 requires additional time in order to draw down an existing inventory of a specific item regulated
223 by this chapter. For purposes of this chapter, “undue hardship” shall mean a situation unique to a
224 food establishment or retail establishment in which there are no reasonable alternatives to the use
225 of materials prohibited by this chapter, and that compliance with this chapter would create
226 significant economic hardship for the Establishment

227 Section 4. Enforcement

228 Health Agents of the cities and towns of the Commonwealth of Massachusetts shall also
229 have the authority to enforce this chapter. This chapter may be enforced through any lawful
230 means in law or in equity, including but not limited to, noncriminal disposition pursuant to G.L.
231 c. 40 § 21D. The town or city may enforce this chapter or enjoin violations thereof through any
232 lawful process or combination of processes, and the election of one remedy by the town or city
233 shall not preclude enforcement through any other lawful means.

234 Violations of this chapter are punishable by a fine of up to \$500 per violation. Each
235 successive day of noncompliance will count as a separate violation.

236 If non-criminal disposition is elected, then any Food or Retail Establishment that violates
237 any provision of this chapter shall be subject to the following penalties: (i) first offense: written
238 warning;(ii) second offense: \$250 penalty, and (iii) third and each subsequent offense: \$500
239 penalty.

240 Section 5. Regulations

241 The Board of Health may adopt and amend rules and regulations to effectuate the
242 purposes of this chapter.

243 Section 6. Interaction with Other Laws

244 In the case of a conflict between the requirements of this chapter and any other federal,
245 state or local law concerning the materials regulated herein, the more stringent requirements shall
246 apply.

247 SECTION 3. The General Laws are hereby further amended by inserting after chapter
248 21Q the following chapter:-

249 Chapter 21R. Reduce Plastic Straws in the Environment

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

252 “Disability” shall mean a physical, intellectual, or sensory impairment that substantially
253 limits one or more major life activities.

254 “Disposable plastic straw, stirrer, or splash stick” shall mean a drinking straw, stirrer, or
255 splash stick made predominantly from synthetic polymers and that is not a reusable straw, stirrer,
256 or splash stick. A disposable plastic straw, stirrer, or splash stick shall also include items made in
257 whole or in part from synthetic polymers that are otherwise classified as ‘compostable’,
258 ‘biodegradable’, ‘oxodegradable’, or ‘marine degradable’.

259 “Food Establishment” shall mean any operation that serves, vends or otherwise provides
260 food or other products to third-parties for consumption and/or use on or off the premises,
261 whether or not a fee is charged, but not including the service of food within a home or other
262 private setting. Any facility requiring a food permit in accordance with the Massachusetts State
263 Food Code, 105 CMR 590.000, et seq. and/or regulations of the Board of Health shall be
264 considered a “food establishment” for purposes of this bylaw.

265 “Health Agent” shall mean the Health Agent for the city or town of the facility or his/her
266 designee.

267 “Medical Condition” shall mean any illness, disease, or injury that requires medical
268 treatment.

269 “Reusable straw, stirrer, or splash stick” shall mean a drinking straw, stirrer, or splash
270 stick that is manufactured from durable materials, and is designed to be adequately and
271 repeatedly cleaned and sanitized for reuse.

272 “Retail Establishment” shall mean a store or premises engaged in the retail business of
273 selling or providing merchandise, goods, groceries, prepared take-out food and beverages for
274 consumption off-premises or the serving of an item, directly to customers at such store or
275 premises, including, but not limited to, grocery stores, department stores, clothing stores,
276 pharmacies, convenience stores, restaurants, coffee shops and seasonal and temporary
277 businesses, including farmers markets and public markets; provided, however, that a “retail
278 establishment” shall also include a food truck or other motor vehicle, mobile canteen, trailer,
279 market pushcart or moveable roadside stand used by a person from which to engage in such
280 business directly with customers and business establishments without a storefront, including, but
281 not limited to, a business delivering prepared foods or other food items, web-based or catalog
282 business or delivery services used by a retail establishment; provided further, that a “retail
283 establishment” shall include a non-profit organization, charity or religious institution that has a
284 retail establishment and holds itself out to the public as engaging in retail activities that are
285 characteristic of similar type commercial retail businesses, whether or not for profit when
286 engaging in such activity.

287 Section 2. Regulated Conduct

288 (a) One year after passage of this Act, no food establishment in the Commonwealth of
289 Massachusetts may provide a disposable plastic straw, stirrer, or splash stick, as such term is
290 defined in this chapter, to a customer.

291 (b) One year after passage of this Act, no food establishment in the Commonwealth of
292 Massachusetts may provide a disposable straw, stirrer, or splash stick that is not a reusable straw,
293 stirrer, or splash stick to a customer, except upon that customer's specific request for such items
294 or if the item is selected by a customer from a self-service dispenser.

295 (c) One year after passage of this Act, retail establishments in the Commonwealth of
296 Massachusetts are prohibited from selling or distributing disposable plastic straws, stirrers, or
297 splash sticks to customers unless equivalent non-plastic or reusable straws, stirrers, or splash
298 sticks are available for sale and are clearly labeled such that any customer can easily distinguish
299 among the disposable plastic, disposable non-plastic, and reusable items.

300 Section 3. Exemptions

301 (a) Nothing in this bylaw shall prohibit individuals from bringing and using their own
302 personal straws, stirrers, or splash sticks of any type for personal use in a food establishment. b.
303 Food establishments may provide a disposable plastic straw, stirrer, or splash stick, upon request,
304 to a person in need due to a disability or medical condition. c. The Department of Environmental
305 Protections or the Board of Health or health agent of the city or town in which the establishment
306 is located may exempt a food establishment or retail establishment from any provision of this
307 chapter for a period of up to six months upon written application by the owner or operator of that
308 establishment. No exemption will be granted unless the Department or the Board of Health or

309 health agent finds that the establishment requires additional time in order to draw down an
310 existing inventory of a specific item regulated by this chapter.

311 Section 4. Enforcement

312 Health Agents shall have the authority to enforce this bylaw. This bylaw may be enforced
313 through any lawful means in law or in equity, including but not limited to, noncriminal
314 disposition pursuant to G.L. c. 40 § 21D and Article VI of the General Bylaws. The city or town
315 may enforce this chapter or enjoin violations thereof through any lawful process or combination
316 of processes, and the election of one remedy by the city or town shall not preclude enforcement
317 through any other lawful means.

318 Violations of this bylaw are punishable by a fine of up to \$300 per violation. Each
319 successive day of noncompliance will count as a separate violation.

320 If non-criminal disposition is elected, then any Food Establishment or Retail
321 Establishment that violates any provision of this bylaw shall be subject to the following
322 penalties: (i) first offense: written warning, (ii) second offense: \$50 penalty, and (iii) third and
323 each subsequent offense: \$300 penalty.

324 Section 5. Regulations

325 The Board of Health may adopt and amend rules and regulations to effectuate the
326 purposes of this chapter.

327 Section 6. Interaction with Other Laws

328 In the case of a conflict between the requirements of this chapter and any other federal,
329 state or local law concerning the materials regulated herein, the more stringent requirements shall
330 apply.

331 SECTION 4. Chapter 131 of the General Laws, as appearing in the 2022 official edition,
332 is hereby amended by adding the following new section:

333 Section 119. The sale, distribution and release of any type of balloon, including, but not
334 limited to, plastic or latex, filled with any type of lighter than air gas, both for public or private
335 use, is hereby prohibited. Whoever violates any provision of this section shall be punished by a
336 fine of not more than one hundred dollars.

337 The provisions of this section shall not apply to (i) balloons released by or on behalf of
338 any agency of the commonwealth or the United States for scientific or meteorological purposes,
339 or (ii) hot air balloons that are recovered after launch.

340 SECTION 5. To Prevent the Release of Nips into the Environment

341 One year after passage of this Act, the sale of alcoholic beverages in containers less than
342 or equal to 100 milliliters is prohibited within the Commonwealth of Massachusetts.

343 SECTION 6. To Prevent the Release of Wipes Containing Plastic into the Environment

344 Section 1. For purposes of this section, the following definition shall apply:

345 “Plastic Wipe”, a nonwoven disposable product manufactured and sold in this state or
346 brought into the state for sale that is constructed from plastic resin (including, but not limited to,
347 polyester and polypropylene) nonwoven sheets, including moist toilet tissue or cloth, that is
348 designed, marketed to or commonly used by the general public for personal hygiene or cleaning

349 purposes, including, but not limited to, diaper wipes, toilet wipes, household cleaning wipes,
350 personal care wipes and facial wipes.

351 Section 2. No retailer shall sell or distribute plastic wet wipes other than those used for
352 medical applications.

353 Section 3. This law shall not affect prescription products.

354 SECTION 7. To Prevent the Release of Hotel Toiletry Bottles into the Environment

355 Section 1. (a) For purposes of this section, the following definitions shall apply:

356 (1) “Hosted rental” means a house, apartment, or other livable space where the person
357 providing sleeping accommodations is a permanent resident who lives on the premises.

358 (2) “Lodging establishment” means an establishment that contains one or more sleeping
359 room accommodations that are rented or otherwise provided to the public, including, but not
360 limited to, a hotel, motel, resort, bed and breakfast inn, or vacation rental. “Lodging
361 establishment” does not include a hospital, nursing home, residential retirement community,
362 prison, jail, homeless shelter, boarding school, worker housing, long-term rental, or hosted
363 rental.

364 (3) “Personal care product” means a product intended to be applied to or used on the
365 human body in the shower, bath, or any part thereof and shall include only shampoo, hair
366 conditioner, and bath soap.

367 (4) “Plastic” means any synthetic material made from organic polymers, such as
368 polyethylene, polyvinyl chloride (PVC), or nylon, that can be molded into shape while soft and

369 then set into a rigid or slightly elastic form. “Plastic” includes all materials identified with resin
370 codes 1 to 7, inclusive.

371 (5) “Small plastic bottle” means a plastic bottle or container with less than a 6-ounce
372 capacity that is intended to be nonreusable by the end user.

373 (b) Commencing one year from the passage of this act for lodging establishments with
374 more than 50 rooms, and two years from the passage of this act for lodging establishments with
375 50 rooms or less, a lodging establishment shall not provide a small plastic bottle containing a
376 personal care product to a person staying in a sleeping room accommodation, in any space within
377 the sleeping room accommodation, or within bathrooms shared by the public or guests.

378 (c) A lodging establishment is encouraged to use bulk dispensers of personal care
379 products to reduce plastic waste and lower operating costs, mindful of the health and safety of a
380 person.

381 (d) A lodging establishment may provide personal care products in small plastic bottles to
382 a person at no cost, upon request, at a place other than a sleeping room accommodation, a space
383 within the sleeping room accommodation, or within bathrooms shared by the public or guests.

384 (e) A local agency with authority to inspect sleeping accommodations in a lodging
385 establishment may issue a citation for a violation of subdivision (b). Upon a first violation, the
386 local Board of Health shall issue a written warning, which shall recite the violation and advise
387 that subsequent violations may result in citations. Upon a second or subsequent violation, the
388 local agency may impose a penalty of five hundred dollars (\$500) for each day the lodging
389 establishment is in violation, but not to exceed two thousand dollars (\$2,000) annually.

390 (f) A lodging establishment in violation of subdivision (b) is liable for a civil penalty of
391 five hundred dollars (\$500) for the first violation and two thousand dollars (\$2,000) for a second
392 or subsequent violation.

393 (g) (1) On and after one year from the passage of this act, a city, county, or city and
394 county shall not pass or enforce an ordinance, resolution, regulation, or rule relating to personal
395 care products in plastic bottles provided at lodging establishments, except as provided in
396 paragraph (2).

397 Section 2. A city, county, or city and county that, before the passage of this act, passed an
398 ordinance, resolution, regulation, or rule relating to personal care products in plastic bottles
399 provided at lodging establishments may enforce that ordinance, resolution, regulation, or rule, if
400 it is at least as stringent as, and not in conflict with, this section.

401 SECTION 8. To Prevent the Release of Plastic Water Bottles Into the Environment

402 Section 1. (a) For purposes of this section, the following definitions shall apply:

403 "Single-serve plastic container" means a container with a volume of 1 liter or less made
404 in whole or in part of plastic resin codes 1 through 6 (excluding the label or cap).

405 "Bottled Water" means non-sparkling, unflavored drinking water.

406 Section 2. Restrictions

407 No retailer shall sell or distribute any bottled water in a single-serve plastic container
408 other than nutritive drinks, tea, coffee, or unflavored carbonated water.

409 Section 3. Exclusions

410 Sales or distribution of drinking water in plastic bottles occurring subsequent to a
411 declaration by a duly authorized Town, state or Federal official of an emergency affecting the
412 availability and/or quality of drinking water to residents of the Town shall be exempt from this
413 bylaw until seven days after the declaration has ended.

414 Section 4. Effective Date

415 The provisions of this law shall take effect one year after passage of this Act.

416 SECTION 9. The General Laws are hereby amended by inserting after chapter 21R the
417 following chapter:-

418 Chapter 21S. To Prevent the Release of Black Plastic into the Environment

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

421 “Disposable Food Service Ware” shall mean single-use or disposable products for
422 heating, storing, packaging, serving, consuming, or transporting prepared or ready-to-consume
423 food or beverages including, but not limited to, bowls, plates, trays, cartons, cups, lids, hinged or
424 lidded containers, spoons, forks and knives. This includes any containers used by food
425 establishments to heat, cook, or store food or beverages prior to serving, regardless of whether
426 such containers are used to serve such food or beverages. Disposable Food Service Ware also
427 includes any such implements sold by Retail Establishments to consumers for personal use.

428 “Black Plastic” shall mean any plastic with any plastic resin codes #1-#7.

429 “Food Establishment” shall mean any operation that serves, vends or otherwise provides
430 food or other products to third-parties for consumption and/or use on or off the premises,

431 whether or not a fee is charged, but not including the service of food within a home or other
432 private setting. Any facility requiring a food permit in accordance with the Massachusetts State
433 Food Code, 105 CMR 590.000, et seq. and/or regulations of the Board of Health shall be
434 considered a “food establishment” for purposes of this bylaw.

435 “Health Agent” shall mean the Health Agent for the city or town of the facility or his/her
436 designee.

437 “Prepared Food” shall mean food or beverages, which are serviced, packaged, cooked,
438 chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared (collectively
439 “prepared”) for individual customers or consumers. Prepared Food does not include raw eggs or
440 raw, butchered meats, fish, seafood, and/or poultry.

441 “Retail Establishment” shall mean a store or premises engaged in the retail business of
442 selling or providing merchandise, goods, groceries, prepared take-out food and beverages for
443 consumption off-premises or the serving of an item directly to customers at such store or
444 premises, including, but not limited to, grocery stores, department stores, pharmacies,
445 convenience stores, restaurants, coffee shops and seasonal and temporary businesses,
446 including farmers markets and public markets; provided, however, that a “retail establishment”
447 shall also include a food truck or other motor vehicle, mobile canteen, trailer, market pushcart or
448 moveable roadside stand used by a person from which to engage in such business directly with
449 customers and business establishments without a storefront, including, but not limited to, a
450 business delivering prepared foods or other food items, web-based or catalog business or
451 delivery services used by a retail establishment; provided further, that a “retail establishment”
452 shall include a non-profit organization, charity or religious institution that has a retail

453 establishment and holds itself out to the public as engaging in retail activities that are
454 characteristic of similar type commercial retail businesses, whether or not for profit when
455 engaging in such activity.

456 Section 2. Regulated Conduct

457 a. One year after passage of this Act, no Food Establishment in the Commonwealth of
458 Massachusetts may use, sell, offer for sale, or otherwise distribute disposable food service ware
459 made from black plastic.

460 b. One year after passage of this Act, no Retail Establishment in the Commonwealth of
461 Massachusetts may sell, offer for sale, or otherwise distribute: 1. disposable food service ware
462 made from black plastic. 2. meat trays, fish trays, seafood trays, vegetable trays, or egg cartons
463 made in whole or in any part with black plastic.

464 Section 3. Exemption

465 a) Nothing in this chapter shall prohibit individuals from using disposable food service
466 ware or other items made of black plastic purchased outside the Commonwealth of
467 Massachusetts for personal use. b) Prepared food packaged outside the Commonwealth of
468 Massachusetts is exempt from the provisions of this chapter, provided that it is sold or otherwise
469 provided to the consumer in the same disposable food service ware in which it was originally
470 packaged, and that the prepared food has not been altered or repackaged. c) The Commonwealth
471 of Massachusetts Department of Environmental Protection or the Board of Health of the city or
472 town in which the food or retail establishment is located may exempt a food establishment or
473 retail establishment from any provision of this chapter for a period of up to six months upon
474 written application by the owner or operator of that establishment. No exemption will be granted

475 unless the Department of Environmental Protection or the Board of Health finds that (1) strict
476 enforcement of the provision for which the exemption is sought would cause undue hardship; or
477 (2) the food establishment or retail establishment requires additional time in order to draw down
478 an existing inventory of a specific item regulated by this chapter. For purposes of this chapter,
479 “undue hardship” shall mean a situation unique to a food establishment or retail establishment in
480 which there are no reasonable alternatives to the use of materials prohibited by this chapter, and
481 that compliance with this chapter would create significant economic hardship for the
482 Establishment.

483 Section 4. Enforcement

484 Health Agents of the cities and towns of the Commonwealth of Massachusetts shall also
485 have the authority to enforce this chapter. This chapter may be enforced through any lawful
486 means in law or in equity, including but not limited to, noncriminal disposition pursuant to G.L.
487 c. 40 § 21D and Article VI of the General Bylaws. The town or city may enforce this chapter or
488 enjoin violations thereof through any lawful process or combination of processes, and the
489 election of one remedy by the town or city shall not preclude enforcement through any other
490 lawful means.

491 Violations of this chapter are punishable by a fine of up to \$300 per violation. Each
492 successive day of noncompliance will count as a separate violation.

493 If non-criminal disposition is elected, then any Food or Retail Establishment that violates
494 any provision of this chapter shall be subject to the following penalties:

495 First Offense: written warning

496 Second Offense: \$50 penalty

497 Third and each subsequent offense: \$300 penalty

498 Section 5. Regulations

499 The Board of Health may adopt and amend rules and regulations to effectuate the
500 purposes of this chapter.

501 Section 6. Interaction with Other Laws

502 In the case of a conflict between the requirements of this chapter and any other federal,
503 state or local law concerning the materials regulated herein, the more stringent requirements shall
504 apply.

505 SECTION 10. To Support Our Restaurants

506 Section 1. For purposes of this chapter, the following terms have the following
507 definitions:

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

510 (b) “Food service ware accessories”, include food service ware such as straws, stirrers,
511 cup spill plugs, cup sleeves, condiments and condiment packets, utensils (including chopsticks),
512 cocktail sticks/picks, toothpicks, napkins, and other similar accessory or accompanying food
513 service ware used as part of food or beverage service or packaging. Detachable lids for beverage
514 cups and food containers are not considered a food service ware accessory.

515 (c) “Food facility”, means an operation that stores, prepares, packages, serves, vends, or
516 otherwise provides food to the public for human consumption.

517 (d) “Takeout food”, means prepared food requiring no further preparation, which is
518 purchased to be consumed off a prepared food facility’s premises. Takeout food includes
519 prepared food delivered by a food facility or by a third-party takeout food delivery service.

520 (e) “Takeout food delivery service”, is a service that delivers takeout food from a food
521 facility to a customer for consumption off the premises. This service can be provided directly by
522 the food facility or by a third party.

523 Section 2.

524 (a) No food facility shall provide any disposable food service ware accessories except:

- 525 1. Upon request by the consumer;
- 526 2. Upon acceptance by the consumer after being offered by the food facility; or
- 527 3. At a self-serve area and/or a dispenser.

528 (b) Food facilities shall only distribute disposable food service ware if they charge the
529 customer what that food ware cost the food facility, or a dollar, whichever is greater.

530 (c) Takeout food delivery services that utilize digital ordering/point of sale platforms,
531 including but not limited to the internet and smartphones, shall only offer disposable food service
532 ware accessories by providing clear options for customers to affirmatively request these items
533 separate from orders for food and beverages. The default option on the digital ordering/point of
534 sale platforms shall be that no disposable food service ware accessories are requested. Each

535 individual disposable food service ware accessory (e.g., each fork, knife, condiment packet,
536 napkin, etc.) provided with prepared food must be specifically requested by the customer in order
537 for a food facility to provide it.

538 (d) Takeout food delivery services shall only distribute disposable food service ware if
539 they charge the customer what that food ware cost the food facility, or a dollar, whichever is
540 greater.

541 SECTION 11. The General Laws are hereby amended by inserting after chapter 21S the
542 following chapter:-

543 CHAPTER 21T. IMPROVED PLASTIC BOTTLES AND INCREASED RECYCLING

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

546 (a) "Beverage", any of the following products prepared for immediate consumption and
547 sold in a single-use container: beer and malt beverages; wine distilled spirit coolers; carbonated
548 water and soda; noncarbonated water; carbonated soft drinks; noncarbonated soft drinks and
549 'soft' drinks; non-carbonated fruit drinks that contain any percentage of fruit juice and vegetable
550 juice; coffee and tea drinks; carbonated fruit drinks; vegetable and fruit juice, sports drinks,
551 fermented non-alcoholic drinks;

552 (b) "Beverage cap", a cap on any plastic beverage container that is made wholly or in
553 large part from plastic;

554 (c) "Plastic beverage container", an individual, separate bottle, can, jar, carton, or other
555 receptacle, however denominated, in which one liter or less of a beverage is sold, and that is

556 constructed of plastic. “Beverage container” does not include a cup or other similar container
557 open or loosely sealed receptacle;

558 (d) “The Department” means the Department of Environmental Protection for the
559 Commonwealth of Massachusetts;

560 (e) “Plastic”, an organic or petroleum derivative synthetic or a semisynthetic organic
561 solid that is moldable, and to which additives or other substances may have been added, with the
562 exception of natural polymers that have not been chemically modified;

563 (f) “Product manufacturer” means any person, partnership, association, corporation or
564 any other entity that, through its own action or through contract or control, is primarily
565 responsible for causing a product to be produced that is held inside of a rigid plastic packaging
566 container and sold or offered for sale in Massachusetts.

567 i. The Department shall consider the following factors in identifying a product
568 manufacturer: (1) the ownership of the brand name of the product in the beverage container; (2)
569 primary control or influence over the design of the product in the beverage container; (3) primary
570 control or influence over the design specifications of the beverage container;

571 ii. Any entity that has a legally recognized corporate relationship (i.e. parent/subsidiary or
572 affiliate relationship) with a product manufacturer shall be allowed to assume the responsibilities
573 of the product manufacturer as they relate to the requirements of this Act.

574 (h) “Retailer” means a person who sells a beverage in a beverage container to a
575 consumer;

576 (i) “Single use”, means intended for disposal after one use and used for serving or
577 transporting a prepared, ready-to-consume product, and is not intended for multiple trips or
578 rotations by being returned to the producer for refill or reused for the same purpose for which it
579 was conceived.

580 Section 2. Prohibition

581 (a) On and after January 1, 2026, a retailer shall not sell or offer for sale, in the state, a
582 single-use beverage container with a beverage cap, unless the container meets one of the
583 following conditions: (i) the beverage cap is tethered to the container in a manner that prevents
584 the separation of the cap from the container when the cap is removed from the container; (ii) The
585 beverage cap includes an opening from which the beverage can be consumed while the cap is
586 screwed onto or otherwise contiguously affixed to the container;

587 (b) Metal caps or lids with plastic seals shall not be considered to be made from plastic.
588 Glass and metal beverage containers that have caps and lids made from plastic shall not be
589 included in this act;

590 SECTION 12. Requirements for the Removal of Toxic Substances in Beverage
591 Containers, Food Ware, and Food Ware Accessories

592 (1) Definitions:

593 (a) “Beverage container”, means a prepackaged container designed to hold a beverage
594 that is made of any material, including glass, plastic, and metal, cartons, pouches, and aseptic
595 packaging.

596 (b) “Food ware accessories”, include food serviceware such as straws, stirrers, cup spill
597 plugs, cup sleeves, condiments and condiment packets, utensils (including chopsticks), cocktail
598 sticks/picks, toothpicks, napkins, and other similar accessory or accompanying food service ware
599 used as part of food or beverage service or packaging.

600 (c) “Food ware”. means any single use or reusable containers that food is served in or
601 sold in.

602 (d) “Food packaging” means any packaging that comes into direct contact with food that
603 will eventually be consumed by human beings or animals.

604 (2) Beginning two years after adoption of this bill, no person or entity may sell, offer for
605 sale, or distributed into the state any beverage container, food ware accessories, food ware, or
606 food packaging containing the following toxic substances:

607 (a) Ortho-phthalates, (b) Bisphenols, (c) Per- and polyfluoroalkyl substances (PFAS), (d)
608 Lead and lead compounds, (e) Hexavalent chromium and compounds, (f) Cadmium and
609 cadmium compounds, (g) Mercury and mercury compounds, (h) Benzophenone and its
610 derivatives, (i) Halogenated flame retardants, (j) Perchlorate, (k) Formaldehyde, (l) Toluene, (m)
611 Antimony and compounds, and (n) UV 328 (2-(2H-benzotriazol-2-yl)-4,6-di-tert-pentylphenol).

612 (3) Beginning two years after the Start Date, no person or entity shall sell, offer for sale,
613 or distribute for use in this state any Beverage Container containing (a) polyvinyl chloride, (b)
614 polystyrene, or (c) polycarbonate.

615 (4) Beginning three years after the start date, and every three years thereafter, the
616 Department of Environmental Protection shall designate at least ten additional toxic substances

617 or families of toxic substances that may no longer be used in Beverage Containers unless the
618 Department of Environmental Protection determines there are not ten toxic substances of
619 families of toxic substances that are required to be banned from use in beverage containers.

620 (5) Any producer that violates this section shall be subject to a fine for each violation not
621 to exceed fifty thousand dollars per violation. For the purposes of this section, each product line
622 that is sold, offered for sale, or distributed to consumers, via retail commerce, in the state,
623 including through an internet transaction violation shall be considered a violation.

624 SECTION 13. The provisions of this bill shall take effect one year after passage unless
625 otherwise specified.