

SENATE No. 2896

The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Second General Court
(2021-2022)
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SENATE, June 9, 2022.

The committee on Environment, Natural Resources and Agriculture, to whom was referred the petition (accompanied by bill, Senate, No. 579) of Jason M. Lewis, Joanne M. Comerford and James B. Eldridge for legislation to reduce single-use plastics from the environment, reports the accompanying bill (Senate, No. 2896).

For the committee,
Rebecca L. Rausch

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**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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. The General Laws are hereby amended by inserting after chapter 21O the
2 following chapter:-

3 Chapter 21P.

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

6 “Biodegradable”, made entirely of organic materials, including wood, paper, bagasse and
7 cellulose, or bioplastics that meet industry standards for biodegradable plastics.

8 “Compostable”, made entirely of material capable of being broken down or decomposed
9 at the end of its useful life into a beneficial soil amendment or conditioner.

10 “Department”, the department of environmental protection.

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

13 “Food facility”, an operation that stores, prepares, packages, serves, vends, or otherwise
14 provides food to the public for human consumption, regardless of the intended location of such
15 consumption.

16 “Food service ware”, disposable products used for serving or transporting foods or
17 beverages for human consumption, including without limitation plates, bowls, trays, cups,
18 cartons, hinged or lidded containers, straws, stirrers, cup spill plugs, cup sleeves, condiments
19 containers, utensils, cocktail sticks/picks, toothpicks, film wrap, and napkins. Food service ware
20 does not include detachable lids for beverage cups or food containers, coolers or ice chests.

21 “Retail establishment”, a store or premises in which a person is engaged in the business
22 of selling or providing merchandise, goods, foods, or item servicing directly to customers,
23 including, but not limited to, grocery stores, department stores, pharmacies, convenience stores,
24 restaurants, coffee shops, food trucks and other mobile businesses, and seasonal and temporary
25 businesses, such as farmers markets and public markets; provided, however, that a “retail
26 establishment” shall include a non-profit organization, charity or religious institution that holds
27 itself out to the public as engaging and does engage in retail activities that are characteristic of
28 similar type retail businesses, whether or not for profit when engaging in such activity.

29 Section 2. (a) A food facility shall not provide a customer with disposable food service
30 ware unless such food service ware is recyclable, biodegradable or compostable; provided,
31 however, that drinking straws that are not recyclable, biodegradable or compostable may be
32 provided to a customer upon request by the customer.

33 (b) A food facility may charge a customer a fee for disposable food service ware;
34 provided, however, that any such fee charged pursuant to this section shall not be subject to

35 taxation pursuant to chapter 64H or 64I; and provided further, that a food facility charging a fee
36 pursuant to this section shall retain the entirety of any such fee charged.

37 (c) A food facility that violates this section shall be subject to a warning for a first
38 violation, a civil penalty of \$150 for a second violation and a civil penalty of \$300 for a third and
39 each subsequent violation. Each day a food facility is in violation of this section shall be
40 considered a separate violation.

41 Section 3. No retail establishment shall sell or otherwise provide to a consumer alcoholic
42 beverages in plastic containers less than or equal to 100 milliliters. A retail establishment that
43 violates this section shall be subject to a warning for a first violation, a civil penalty of \$150 for a
44 second violation and a civil penalty of \$300 for a third and each subsequent violation. Each day a
45 retail establishment is in violation of this section shall be considered a separate violation.

46 Section 4. A retail establishment or food facility shall be exempt from the requirements
47 of sections 2, 3, and 4 if the retail establishment or food facility: (i) has not more than 3 store
48 locations under the same ownership and each store location has less than 4,000 square feet of
49 retail selling space and not more than 15 employees; and (ii) annually submits to the department
50 an affidavit attesting that the retail establishment or food facility meets the requirements of this
51 subsection.

52 Section 5. The department shall retain civil penalties collected for violations of this
53 chapter. Monies collected pursuant to this chapter shall be expended to fund existing and future
54 municipal recycling and waste management grant programs. Except as otherwise provided, the
55 department shall promulgate regulations to implement the provisions of this chapter.

56 SECTION 2. Section 1 shall take effect January 1, 2025.

57 SECTION 3. Section 4 of chapter 21P of the General Laws is hereby repealed.

58 SECTION 4. Section 3 shall take effect August 1, 2025.