

SENATE No. 503

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

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 plastic packaging waste.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>3/2/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/10/2021</i>

SENATE No. 503

By Ms. Creem, a petition (accompanied by bill, Senate, No. 503) of Cynthia Stone Creem, Michelle L. Ciccolo and Joanne M. Comerford for legislation to establish the Sustainable Food Service Ware Act. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 439 OF 2019-2020.]

The Commonwealth of Massachusetts

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

An Act to reduce plastic packaging waste.

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: The Sustainable Food Service Ware Act.

4 Section 1. Definitions

5 “Biodegradable” means entirely made of organic materials such as wood, paper, bagasse
6 or cellulose; or bioplastics that meet the American Society for Testing and Materials (ASTM)
7 D7081 standard for Biodegradable Plastics in the Marine Environment. Any ASTM D7081
8 product must be clearly labeled with the applicable standard.

9 “Compostable” refers to bioplastic materials certified to meet the American Society for
10 Testing and Materials International Standards D6400 or D6868, as those standards may be
11 amended. ASTM D6400 is the specification for plastics designed for compostability in municipal
12 or industrial aerobic composting facilities. D6868 is the specification for aerobic compostability
13 of plastics used as coatings on a compostable substrate.

14 “Disposable food service ware” means all food and beverage containers, bowls, plates,
15 trays, cartons, cups, lids, straws, stirrers, forks, spoons, knives, film wrap, and other items
16 designed for one-time or non-durable uses on or in which any food vendor directly places or
17 packages prepared foods or which are used to consume foods. This includes, but is not limited to,
18 service ware for takeout foods and leftovers from partially consumed meals prepared at food
19 establishments.

20 “Food establishment” refers an operation that stores, prepares, packages, serves, vends, or
21 otherwise provides food for human consumption. This includes without limitation restaurants
22 and food trucks.

23 “Recyclable Material” refers to material that can be sorted, cleansed, and reconstituted
24 using the local municipality’s regular year-round collection program for the purpose of using the
25 altered form in the manufacture of a new product. Regular year-round collection means either the
26 municipal curbside pickup or else a municipal transfer station in communities that do not have
27 curbside pickup. All recyclable plastic material must be identified by its plastic resin code in a
28 visible manner on the food service ware. "Recycling" does not include burning, incinerating,
29 converting, or otherwise thermally destroying solid waste.

30 “Reusable Products” pertains to those that will be used more than once in its same form
31 by a food establishment. Reusable food service ware includes: tableware, flatware, food or
32 beverage containers, packages or trays, such as, but not limited to, soft drink bottles and milk
33 containers that are designed to be returned to the store or distributor that provided the take-out
34 containers. Reusable materials include aluminum and glass. Reusable also includes cleanable
35 durable containers, packages, or trays used on-premises or returnable containers brought back to
36 the food establishment.

37 SECTION 2. (a) Except as provided in this section on and after January 1, 2023, all retail
38 food establishments will use food service ware that is biodegradable, compostable, recyclable, or
39 reusable for any food prepared or packaged on premises.

40 (b) The Department of Environmental Protection shall promulgate regulations with
41 regard to the enforcement of this chapter.