

SENATE No. 408

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. 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 S. Creem</i>	<i>First Middlesex and Norfolk</i>	
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/31/2017</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/1/2017</i>

SENATE No. 408

By Ms. Creem, a petition (accompanied by bill, Senate, No. 408) of Cynthia S. Creem, Jack Lewis and Mike Connolly for legislation to establish the Sustainable Food Service Ware Act. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

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.

5 Definitions

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

10 “Compostable” Refers to bioplastic materials certified to meet the American Society for
11 Testing and Materials International Standards D6400 or D6868, as those standards may be

12 amended. ASTM D6400 is the specification for plastics designed for compostability in municipal
13 or industrial aerobic composting facilities. D6868 is the specification for aerobic compostability
14 of plastics used as coatings on a compostable substrate.

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

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

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

31 “Reusable Products” Those that will be used more than once in its same form by a food
32 establishment. Reusable food service ware includes: tableware, flatware, food or beverage
33 containers, packages or trays, such as, but not limited to, soft drink bottles and milk containers

34 that are designed to be returned to the store or distributor that provided the take-out containers.
35 Reusable materials include aluminum and glass. Reusable also includes cleanable durable
36 containers, packages, or trays used on-premises or returnable containers brought back to the food
37 establishment.

38 Section 2. (a) Except as provided in this section on and after January 1, 2019, all retail
39 food establishments using any food service ware for any food prepared or packaged on premises
40 will use biodegradable, compostable, recyclable, or reusable food service ware. All food
41 establishments are strongly encouraged to use reusable food service ware in place of using
42 disposable food service ware for all food served on premises.

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