

Municipal Toolkit for Plastics Reduction Bylaws

A Project of the Toxics Use Reduction Institute
and Berkshire Regional Planning Commission

2026



Table of Contents

Overview of the Issue	3
The Legal Landscape	4
State and Local Law	4
Legal Challenges	4
Key Topics to Consider	5
Common Types of Plastic-Use Reduction Bans	7
A. Plastic Bag Ban	7
B. Single-Use Plastics Ban	7
C. Bottled Water Ban.....	8
D. Polystyrene and Black Plastic Bans	8
E. Skip the Stuff	9
F. Bans on Nips	9
G. Reusable Serviceware for Dine-In Operations.....	10
Bylaw Samples and Templates	11
A. Plastic Bag Ban	11
B. Single-Use Plastics Ban.....	12
C. Bottled Water Ban.....	13
D. Polystyrene Ban	14
E. Skip the Stuff	15
F. Nip Bottle Ban.....	16
G. Reusable Foodware for Dine-In Operations.....	17
Pathways to Enacting a Bylaw	18
Town Meeting (Citizen Petition)	18
City Council	18
Selectboard	19
Board of Health.....	20
Proposal Impacts.....	20
Plastics-related Bills in the MA Legislature	21
Technical Assistance	22
Additional Reading	23

Overview of the Issue

Addressing the health and environmental impacts of plastics is a growing challenge of our times.

Every year the world produces 430 million metric tons of plastic.¹ Without preventive measures, the United Nations estimates the world's plastic pollution could triple by the year 2060.² Reducing the prevalence of plastics in our lives is an imperative health and environmental issue, and enacting local bylaws, in concert with other measures such as public health education, is an effective way to achieve the reductions we need.

Plastics affect our lives in the three following domains:

Environment: Plastics accumulate as toxic trash in our streets, parks, and wild spaces, damaging our ecosystems and impacting eco-tourism. Plastic is manufactured through extractive fossil fuel operations, processed through pollutive refineries, and ends its life in our air and soil. About two-thirds of all the plastic ever produced remains in the environment—floating in our oceans, broken down in our soil, and as microfibers in our water supplies.³

Municipal Systems: Single-use plastics like bags and bottles take up space in landfills, clog recycling facilities, and block storm drains, requiring municipal dollars to remedy. While it may seem from the outside that recycling plastics lessens the problem, the sad truth is most plastics thrown in the recycling bin end up in landfills, or are downcycled through environmentally toxic practices, creating more greenhouse gases and contaminated water.^{4,5}

Health: Emerging evidence shows the plastics we have allowed into our environment have broken down to such an extent that we consume, drink, and breathe microplastics daily. Microplastics have been found in many organs of the human body, including the brain. Of the 16,000 chemicals used in the production of plastic, over 3200 are known to be cancer-causing, neurotoxins, and endocrine disruptors.⁶

The safest and most economical pathways forward into a healthier future involve drastically reducing our everyday reliance on single-use plastics.

¹ [Protect Our Planet from Plastic Pollution: 5 Things to Know](#)

² [Protect Our Planet from Plastic Pollution: 5 Things to Know](#)

³ [Plastic and Health: The Hidden Costs of a Plastic Planet](#)

⁴ [The plastic industry knowingly pushed recycling myth for decades, new report finds | PBS News Weekend](#)

⁵ [Plastic "Recycling" is a False Solution to Plastic Pollution](#)

⁶ [Plastics and Human Health — Beyond Plastics - Working To End Single-Use Plastic Pollution](#)

The Legal Landscape

State and Local Law

As of May 2025, 70% of Massachusetts municipalities have enacted bans or restrictions on plastics, including nine municipalities in the Berkshires. Given the growing awareness of the impacts of plastics, it could be anticipated that the Massachusetts Legislature will, in the coming years, enact state-wide laws which will take the place of local bylaws (see the end of this document for some bills which are currently in committee). Even though the Legislature may take positive action on plastics bans in the future, it is critical that local municipalities take action now. History has shown that if enough municipalities take action on their own to enact regulations, the state will often follow. Local ordinances also help build community awareness and engagement, encouraging residents and businesses to adopt sustainable practices ahead of broader mandates.

State laws regarding plastics will sometimes supersede local bylaws, so it is important to know the legal landscape. As of 2025, there are numerous bills proposed for adoption by the Massachusetts Legislature that would impact local regulation of plastics, some of which are listed in Section 8. It's important to note that while advocates are optimistic the state legislature will act, there have been many bills with this aim introduced over the years with no change yet.

Legal Challenges

There are no current legal challenges to plastics bans in the state of Massachusetts. In other states where litigation has been brought against plastic ordinances, the plastic industry is the challenger, and the courts have not ruled in their favor in the majority of cases.

You can read about legal challenges in other states, and check for any changes in Massachusetts, at the [Plastics Litigation Tracker](#).

Key Topics to Consider

Enforcement Date: Most bylaws give a window of 6 months to a year between passage and the effective date. This allows for outreach and communication with local businesses and gives those entities time to use up old inventory and find alternatives.

Enforcement Method: Enforcement shall be the discretionary responsibility of the Town Manager or their designee. Police officers and health agents have the authority to enforce bylaws. The Town Manager or Board of Health shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate.

Thin-Film vs. Comprehensive Plastic Bag Ban: Plastic bag bans should be comprehensive and not just ban thin-film plastic bags. Early plastic bag bans allowed for thicker (4 ml) bags to be distributed instead with the expectation that these bags are more likely to be reused, but studies showed that consumers still only used the bags once or twice before discarding.⁷

Hardship Deferment Requests: It is worth considering that in addition to a period of time between the enactment of a bylaw and its enforcement, that some businesses or industries may need a longer window to switch over inventory or change practices. Allowing a pathway for exemptions during an extended period of time may help to ease stress on businesses who need the time to adjust. However, these exemptions do create an administrative burden for the enforcing entity to track.

Exemptions: There will always be exceptions to the rule worth considering, such as allowing bottled water to be distributed in the case of a heat emergency, or single-use plastics in health care settings which must be used for sanitation reasons. Taking an inventory of all industries and departments which may be affected by a ban and thinking ahead about possible necessary exemptions is a good practice.

Safer Alternatives: When creating a policy or bylaw, you can expand the language from simply banning one type of product to explicitly stating criteria for safer and more sustainable alternatives. For example, if you ban plastic takeout containers, you could specify that all businesses providing takeout must switch to either reusable takeout containers or BPI-certified alternatives. There are many plastics alternatives on the market, but they are not well-regulated, so specifying what grade of alternative is allowable in your city or town prevents businesses from accidentally offering something improperly certified. See the Technical Assistance section for more resources.

⁷[The Latest in the Battle Over Plastic Bag Bans](#)

Public Outreach: It is important to have a plan for how businesses and residents will get information about your initiative. How will they learn what is planned? What alternatives to plastic are available to them? Why is now the time you want to adopt these changes? Running a piece in a local paper or scheduling a hearing are some ways to invite and share information.

Lead by Example: Municipalities can institute reusable serviceware practices across their own facilities and departments. Steps such as installing water refill stations, replacing disposable kitchen items with reusable ones, and switching away from pod-using coffee machines shows the municipality's businesses and residents their commitment to change.

Pair the Ban with a Solution: Instead of simply banning a product, pair it with something that enables the behavior you would like to see instead. For example, if you are banning the sale of plastic water bottles, you could also create more water refill stations.

Business Impacts: In many cases, switching from plastics to reusables comes with cost-saving for small businesses in the long term, but the upfront cost of switching from plastic forks to metal, for example, can be a hardship. There are funds available to many businesses to cover the cost of converting, such as [Plastic Free Restaurants](#). It may be helpful to familiarize yourself with the costs of alternatives, ways to cover them, or to connect concerned businesses with one of the [technical assistance providers](#) at the end of this toolkit.

Common Types of Plastic-Use Reduction Bans

A. Plastic Bag Ban

This ban outlaw's plastic bags made with certain chemicals and with a thickness of less than 4.0mils. We recommend a ban on all plastic bags instead of by thickness.

According to the [Sierra Club](#), 163 Massachusetts cities and towns regulate single-use plastic shopping bags as of 2025. The following towns in Berkshire County have bylaws regulating single-use plastic bags; Adams, Becket, Dalton, Great Barrington, Lee, Lenox, Pittsfield, Stockbridge, and Williamstown.



States and cities with well-designed single-use plastic bag bans have successfully reduced plastic bag use and associated litter and pollution. Bans in five states and cities that cover more than 12 million people combined have cut single-use plastic bag consumption by about 6 billion bags per year. That's enough bags to circle the earth 42 times.⁸

B. Single-Use Plastics Ban

The term "single-use plastic" in this bylaw refers to goods that are made primarily from fossil fuel-based chemicals (petrochemicals) and are meant to be disposed of right after a single, serving use—often, in mere minutes. Common examples of single-use and single serving plastics include food serviceware, plastic beverage straws and plastic stirrers.

The [Public Interest Network](#), reports that nearly half, 47 percent, of U.S. plastic waste is from single-use products and packaging. Banning and limiting plastic products like bags, foam cups and containers, straws, and utensils could significantly reduce plastic pollution.

⁸ <https://publicinterestnetwork.org/wp-content/uploads/2024/01/Plastic-Bag-Bans-Work-January-2024.pdf>

C. Bottled Water Ban

No store/vendor can sell non-carbonated, unflavored drinking water in single-use plastic containers less than one gallon in size. This ban also covers multi-packs of single-use plastic water bottles. Plain water under one gallon in size can still be sold in alternative packaging, such as aluminum cans, aluminum bottles, or cardboard boxes. Plain water can continue to be sold in single-use plastic containers one gallon or greater in size.

Twenty-eight Massachusetts towns have issued a water bottle with Great Barrington being one of the only Western Massachusetts towns to issue a ban.

Although not a municipality, the [National Park Service](#) have 22 parks with bottle bans and found all parks experienced a reduction in their total waste stream and recycling load. Grand Canyon National Park experienced a 20 percent reduction in their waste stream and a 30 percent reduction from their recycling load.

D. Polystyrene and Black Plastic Bans

No covered food service provider or store (retail or wholesale) is allowed to sell, offer for sale, or distribute disposable food service containers that contain expanded polystyrene foam (generally known as Styrofoam). In addition, no manufacturer or store is allowed to sell, offer for sale, or distribute polystyrene loose fill packaging (commonly referred to as packing peanuts). The Black Plastic Ban prohibits the sale and distribution of black plastic takeout containers in your community.



Because polystyrene is light weight, it is commonly blown or washed into the environment and small pieces can easily be mistaken for food by animals. The [US Department of Health and Human Services](#) finds styrene exposure is linked to increased risks for leukemia, lymphoma, or all lymphohematopoietic cancer.

Black plastics contain unregulated amounts of toxic chemicals such as phthalates and flame retardants, as well as heavy metals such as cadmium, lead, nickel, chromium, and mercury. Even at very low levels, these toxic chemicals can cause serious reproductive and developmental problems, poisoning the brain and kidneys, disrupting human thyroid

function, affecting development, and causing long-term neurological damage.⁹ Additionally, black plastic cannot be recycled due to its dark pigment.

E. Skip the Stuff

Food service establishments and third-party food delivery apps and couriers cannot provide utensils, condiment packets, napkins, or extra containers unless a consumer requests them. This limits unused and unrecycled materials from entering the waste stream.

Four towns in The Commonwealth have implemented the 'Skip the Stuff' bylaw. These include Wellesley, Brookline, Hudson, and Needham.

Changing the process to only providing what's requested or moving to single-serve dispensaries can save money for your business. A [case study out of Berkeley California](#) reports one restaurant eliminated over 24,000 pieces of single-use food ware from the waste stream and saved over \$3,000 annually.

F. Bans on Nips

Single-use petroleum-based plastic containers of alcoholic beverages of less than or equal to 100 ml are prohibited for sale, distribution, and commercial use. Bans like this in other towns have been proven to make significant impacts on litter, public intoxication, and alcohol-related harms of all kinds.



Several towns in the Eastern part of the state have issued a ban on nips. These include Chelsea, Falmouth, Mashpee, Wareham, Newton, Nantucket, Brewster, Fair Haven, and New Bedford.

[The Plymouth Independent](#) reported, Falmouth litter audits proved that within a year, nips went from being the single most prevalent item in the litter stream at 32 percent down to only 6 percent. While statistics from Chelsea show evidence that banning nips can impact alcohol abuse. Within a year after their ban was introduced in 2018, protective custodies went down from 222 to 86. Ambulance and fire responses were down from 742 to 127, and alcohol related admissions to hospitals decreased.

⁹ <https://ecocycle.org/our-programs/reducing-plastics/eliminating-problematic-plastics/problematic-unnecessary-plastics/>

G. Reusable Serviceware for Dine-In Operations

Full-service restaurants must use reusable food and beverage serviceware for on-premises dining. For prepared food and beverages, containers larger than 4 ounces must be reusable, compostable, or recyclable.

Newton and North Reading have implemented, or are phasing in, bans on single-use items, mandating that full-service restaurants use reusable plates, cups, and cutlery, with accessories provided only upon request.

All disposable food-ware is non-recyclable, and many types of disposable food-ware are not accepted in commercial compost facilities because they cause contamination and lower the quality and value of compost. Reusable food serviceware can also save money over time compared to single-use options.

[California Green Business Network](#) outreach has shown that businesses using reusables for indoor dining cut down on trash and expenses, averaging \$6,000 per business annually.

Bylaw Samples and Templates

A. Plastic Bag Ban

From the [Sierra Club of Massachusetts](#):

Comprehensive bag laws usually include the following to increase sustainability:

1. A ban on single-use plastic shopping bags. (This is often defined as any bag that is *not* reusable.)
2. Require paper bags to have recycled content. The usual standard is "at least 40% post-consumer recycled content" based on California precedent. This regulation reduces the environmental impact from paper production. A side effect of this requirement is to increase the demand for recycled paper, which can benefit municipal recycling programs.
3. Set minimum durability standards for reusable shopping bags. Requirements may include stitched handles, and minimum load carrying ability.
4. A fee to reduce consumption of all allowed bags. However, only *cities* in Massachusetts can directly set fees. The higher the fee, the fewer bags that will be used, and the more reusable bags will be adopted. A fee of 10¢ is the standard in California, which has been frequently followed elsewhere around the country (although a few communities adopted 25¢!).

While large stores, especially grocery stores and pharmacies, account for the vast majority of plastic bags, bringing all stores under bag regulation will have the greatest environmental impact and reduce consumer confusion. Some jurisdictions phase in compliance for smaller or non-chain stores, to allow for these stores to use up existing stock, and to reduce the short-term impact on limited municipal enforcement staff. For example, the town of Ashfield in Franklin County allowed a one-year grace period during which businesses could easily apply for a 'hardship deferment' by writing to the Board of Health about their needs and plans for transitioning products by the by-law's future effective date.

Finally, shopping bags are only part of the plastic problem. Massachusetts is the only state with laws that include *produce bags* in bag regulations. Produce bag regulations usually ban polyethylene produce bags and allow traditional paper or compostable plastic in addition to reusable produce bags.

Additional resources:

- [Designating and Implementing Bag Laws](#)

Sample Bylaw: [Thin-Film Plastic Bag Ban Sample Bylaw](#) (Dalton, Berkshire County)

Bylaw Template: [Plastic Bags Bylaw Template](#)

B. Single-Use Plastics Ban

Single-Use Plastic bylaws usually include the following to increase sustainability:

1. Including a section on rulemaking in your bill ensures that the agency tasked with monitoring and enforcing the bill may adopt rules necessary to carry out the goals of the bill. This allows the agency to address and fix unforeseen developments and aid in executing the bill without having to change the law.
2. This is an insurance policy that can protect your law if it is challenged by opponents. Unfortunately, the plastics industry has a long history of trying to challenge restrictions on single-use plastics in court. In the unlikely event that a provision of your law is declared unlawful, this section ensures that only that section is invalidated. That way, the rest of your law is still valid.
3. Most plastic reduction laws authorize an agency, county, and local governments to have the authority to enforce the act. Violations of most plastic reduction laws lead to a warning for first offense and civil penalties for later offenses.

The use and disposal of single use plastic products have significant impacts on the environment, contributing to pollution of the land environment and waterways; contributing to the potential death of wildlife through the ingestion and entanglement: littering streets, parks, public places and local waterways; creating a burden to solid waste collection and recycling facilities; requiring the use of non-renewable fossil fuel in their manufacture and composition.

Massachusetts is actively reducing single-use plastics through a combination of local bylaws and state-level action. S. 2830 bans state agencies from purchasing single-use plastic bottles, over 25 Massachusetts towns and cities have already adopted municipal or retail bans. The Act will ban carry-out plastic bags and black plastic containers, stop state purchases of single-use plastic bottles, make restaurant food service accessories like utensils and straws optional, and result in the creation of a new statewide program to recycle large plastic objects.

Additional Resources:

- [A Guide for Municipalities: Supporting Reusable Food Serveware in Your Community](#)
- [Single-Use Plastic Legislative Toolkit](#)

Sample Bylaw: [Single-Use Plastic Ban Sample Bylaw](#) (Ashfield, Franklin County)

Bylaw Template: [Single-Use Plastic Ban Bylaw Template](#)

C. Bottled Water Ban

Bottled Water Bans usually include the following to increase sustainability:

1. Many bans specifically target single-use plastic bottles of 21 fluid ounces (approximately 600ml) or less. Some municipal bans extend this to non-carbonated, non-flavored water in sizes up to 1 liter.
2. To ensure continued access to water, bans are often accompanied by the installation of water bottle refill stations
3. In some cases, bans allow for alternatives but require them to be made from 100% recycled materials or focus on enhancing recycling infrastructure.
4. Implementing "bottle bills" to incentivize returning containers for recycling, reducing waste in rivers and landfills.
5. Exemptions for emergencies. Sales occurring after a declaration of an emergency adversely affecting the availability and/or quality of drinking water to residents by the Emergency Management Director or other duly authorized Town, Commonwealth, or United States official shall be exempt from the article until seven days after such declaration has ended. Also, emergency services (fire, police and EMS) are exempt.

Since 2010, yearly water bottle consumption in the United States has grown by 40%. The best alternative is a refillable water bottle, and water is easily accessible, safe, and available through hydration stations, bubblers, and the tap. Twenty-eight other Massachusetts communities already have similar bylaws in effect, including fifteen communities on Cape Cod and all of Martha's Vineyard, Nantucket. In Berkshire County, Great Barrington is the only town to ban the sale of plastic single-use beverage bottles.

Additional Resources:

- [Massachusetts: First State to Enact Procurement Ban on Single-Use Plastic Bottles](#)
- [Sierra Club: Massachusetts Plastic Beverage Containers](#)

Sample Bylaw: [Single-Use Drinking Water Bottle Ban Sample Bylaw](#) (Great Barrington, Berkshire County)

Bylaw Template: [Single-Use Drinking Water Bottle Ban Bylaw Template](#) (Section 10)

D. Polystyrene Ban

Comprehensive Polystyrene Bans usually include the following to increase sustainability:

1. Providing a timeline for retailers and food service operators to use up existing stock before compliance is required.
2. Allowing temporary exemptions for small businesses or those unable to find suitable, affordable alternatives.
3. Utilizing health departments or environmental agencies to issue warnings and fines for non-compliance, with penalties sometimes directed to environmental funds.
4. Mandating the use of materials like PET (polyethylene terephthalate) or paper-based products, which are easier to recycle than foam

Polystyrene foam is a generic term for plastic material, more commonly known as Styrofoam. Polystyrene foam is extremely toxic, unrecyclable, and items made from polystyrene foam are often littered. Despite this, polystyrene foam is often used for food storage like takeout containers and meat trays.¹⁰

The EPA recognizes styrene (the primary building block of polystyrene) as a health threat to humans. It's also considered a human carcinogen by the American Cancer Society. Because it is so lightweight and due to its propensity to fragment, polystyrene foam tends to drift away on currents of wind and water. Given its ubiquitous presence in disposable packaging, polystyrene is one of the most abundant forms of global pollution.¹¹

It's also a major contributor to plastic debris in the oceans, according to the Ocean Conservancy. Currents and other marine action degrade polystyrene into carcinogenic microplastic particles that end up in our food chain. They are eaten by animals like fish, birds and turtles who mistake the particles for food, often leading to death from malnutrition.

Additional Resources:

- [Products to Replace Polystyrene Products](#)
- [New York State Polystyrene Foam Ban](#)
- [Recommendations for Reducing or Banning Foam Food Service Containers](#)

Sample Bylaw: [Polystyrene Ban in Food Establishments Sample Bylaw](#) (Stockbridge, Berkshire County)

Bylaw Template: [Single-Use Polystyrene Foam Products Bylaw Template](#) (Section 3)

¹⁰ <https://just-zero.org/single-use-plastic-legislative-toolkit/>

¹¹ <https://www.worldcentric.com/take-action/polystyrene/>

E. Skip the Stuff

Skip the Stuff bylaws usually include the following to increase sustainability:

1. Many ordinances require restaurants to post clear signs informing customers that these items are only available on request.
2. Give customers the option to request eating utensils, condiment packets, napkins, and extra eating containers when they place an order for delivery.
3. Some laws, specifically prohibit "bundled" packages that pre-wrap a fork, knife, spoon, and napkin together in plastic

"Skip the Stuff" is a national policy campaign to create local and state government policy prohibiting food establishments from automatically including single-use plastics in delivery and takeout orders unless a customer specifically requests them. In 2023, New York City pioneered this law.

Foodservice businesses are prohibited from giving out common single-use products unless the customer specifically requests them. This way, the customer is only getting the products they need. These laws also prohibit restaurants from packaging single-use foodware together in a way that doesn't let a customer select the specific item they want. Under these laws, third party food delivery platforms, like Doordash, Grubhub, and UberEats, must also allow customers to select what food serviceware items they would like when making their order.¹²

This saves money for the business, who no longer needs to buy and provide so many utensils, napkins, and condiment packets, as well as creates less trash for the consumer. It is estimated that a business could save \$3000 annually by switching to a skip the stuff policy.¹³

Additional Resources:

- [NYC "Skip the Stuff" Guidelines and Regulations](#)

Example Bylaw: [Skip the Stuff Sample Bylaw](#) (this is state law in NY)

Bylaw Template: [Skip the Stuff Bylaw Template](#) (Section 11)

¹²<https://just-zero.org/single-use-plastic-legislative-toolkit/>

¹³ [https://www.epa.gov/trash-free-waters/food-service-related-source-reduction-programs#:~:text=each%20local%20businesses.-,Successes,and%20average%20of%20\\$3000%20annually.](https://www.epa.gov/trash-free-waters/food-service-related-source-reduction-programs#:~:text=each%20local%20businesses.-,Successes,and%20average%20of%20$3000%20annually.)

F. Nip Bottle Ban

Nip Bottle policies usually include the following to increase sustainability:

1. Most bans specifically target the commercial sale and distribution of nips at liquor stores, gas stations, and grocery stores to eliminate them at the source.
2. Implementing a refundable deposit (often 5 to 10 cents) to incentivize return and proper disposal, or a non-refundable surcharge that funds local environmental cleanup efforts.
3. To help businesses adapt, bans often include a transition period.

In Massachusetts, over 25 million nip bottles are sold annually. It is common to see them discarded on municipal streets or littered along roadsides. In North Adams, the police chief reports that both OUIs and arrests for public drinking have a high correlation with nip bottle consumption. Between the plastic litter and threat to public health, a nip bottle ban can be a solution for both law enforcement and the environment. To date, 7 towns in Massachusetts have banned nip bottles.

Nip bottles are not recyclable because of their size. While a 2024 bottle bill proposed a 5-cent deposit on nips, it has not currently been deployed and there is no structure to do so.¹⁴

If a municipality wants nips to be redeemable now, they will need to take on the cost. In fall 2025, North Adams announced a pilot to accept returns of nip bottles at the BFAIR Bottle & Can Redemption Center, funded by a private donor, and offering 5 cents per bottle. Within the first 7 weeks, residents turned in 17,495 nip bottles, and private donors have continued to keep the program going.¹⁵

Additional Resources:

- [North Adams Nip Bottle Return Pilot Program](#)
- [Sierra Club: Massachusetts Plastic Beverage Containers](#)

Example Bylaw: [Ban on Sale of Nips](#) (Hanson, Plymouth County)

Bylaw Template: [Nip Bottle Ban Bylaw Template](#)

¹⁴ [North Adams Group Launches Nip Bottle Return Pilot Program / iBerkshires.com - The Berkshires online guide to events, news and Berkshire County community information.](#)

¹⁵ [Tired of seeing nip bottles on the street? Here's how many BFAIR's pilot program has taken in so far](#)

G. Reusable Foodware for Dine-In Operations

Comprehensive reusable food ware laws usually include the following to increase sustainability:

1. Policies often prohibit businesses from automatically including napkins, utensils, straws, or condiment packets with takeout orders. Instead, these items are only available for “upon request” or at self-service stations.
2. Creating fees for consumers. Many reuse policies add a charge for disposable take-out cups or cups and containers, typically 25 cents.
3. When reusables aren't feasible, ordinances may mandate that any remaining single-use items be made of PFAS-free, compostable natural fibers such as paper, bamboo, or sugarcane.
4. A common exception to reuse for onsite dining is for packaging customer leftovers.

In the Commonwealth of Massachusetts, food and beverage packaging comprise most street litter and are significant contributors to the total amount of waste entering the waste stream. Local governments in the U.S. spend \$11.5 billion annually cleaning up litter. Furthermore, all disposable food-ware is non-recyclable, and many types of disposable food-ware are not accepted in commercial compost facilities because they cause contamination and lower the quality and value of compost.

Food packaging materials, including food contact papers and compostable paperboard-containers and molded plastics, frequently contain harmful poly and perfluoroalkyl chemicals that are linked to serious health impacts, and many of the chemical additives used in packaging are known to leech into food and beverages.

Additional Resources:

- [Reuse for Onsite Dining Library](#)
- [Reusable Food Serviceware Guide](#)

Example Bylaw: [Reusable Foodware for Dine-In Operations](#) (Town of Tiburon, CA)

Bylaw Template: [Reusable Foodware for Dine-In Operations Bylaw Template](#)

Pathways to Enacting a Bylaw

Town Meeting (Citizen Petition)

Citizens can enact a bylaw at a town meeting by submitting a formal citizen petition to the Selectboard or Town Clerk, requiring a specific number of registered voter signatures. The proposed bylaw is added to the town warrant for a vote, which often requires a simple majority or a two-thirds vote, depending on the nature of the bylaw. The following steps outline the process:

1. Residents proposing changes or additions to General Bylaws must do so by petition.
 - For an Annual Town Meeting - ten (10) Resident signatures are required.
 - For a Special Town Meeting - one hundred (100) Resident signatures are required.
 - Forms are available from the Town Clerk's Office
2. File the signed petition with the Selectboard or Town Clerk before the deadline for the Town Warrant.
3. The Town Clerk verifies signatures, and the Town Counsel may review the article. The article is then included in the published Town Warrant.
4. The lead petitioner should be prepared to move and present the article at the town meeting.
5. Whenever a town adopts or amends its general by-laws within 30 days of adjournment of town meeting, the Town Clerk is required to submit them to the Attorney General for review and approval.
 - The Attorney General then has 90 days in which to decide whether the proposed amendments are consistent with the constitution and the laws of the Commonwealth.
 - If the Attorney General finds an inconsistency between the proposed amendments and state law, the amendments or portions thereof will be disapproved.
6. If approved, the bylaw is published and codified into the municipal code.

Note: At a regular meeting of the Select Board, a registered voter may request that a matter be placed on the Town Meeting warrant in lieu of a written petition. The Select Board may, at its discretion, accept the request and place the matter on the warrant under its sponsorship, or it may ask that the matter be submitted by a petition bearing the signatures of the required number of registered voters of the Town.

City Council

City council enacts a bylaw by first identifying a need, drafting the legislation, and submitting it to the council. The following procedure outlines the steps necessary for a City Council to enact a bylaw or ordinance:

1. A need is identified by council members, city administration, or citizens.
2. The city administration investigates the issue based on a motion. They consider various factors to decide if a bylaw is the best solution.
3. If a bylaw is deemed necessary, the city law department creates a draft.
4. The bylaw is reviewed by the city council, and public hearings are held to allow community input.
5. The council formally votes on the bylaw.
 - A majority of the council constitutes a quorum, and a majority vote of all members is generally needed for adoption.
6. The mayor must sign the ordinance.
 - If disapproved, it returns to the council, which can override the veto with a two-thirds vote.
7. The Clerk's Office is required to submit them to the Attorney General for review and approval.
 - The Attorney General then has 90 days in which to decide whether the proposed amendments are consistent with the constitution and the laws of the Commonwealth.
 - If the Attorney General finds an inconsistency between the proposed amendments and state law, the amendments or portions thereof will be disapproved.
8. If approved, the bylaw is published and codified into the municipal code.

Selectboard

The following outlines the process a Selectboard should take out enact a new bylaw:

1. The Select Board, often with a committee or Town Counsel, drafts the bylaw to ensure it is clear, consistent with town goals, and lawful.
2. Before Town Meeting, the Select Board must hold public hearings to receive citizen input.
3. The Select Board votes to include the proposed bylaw as an article on the warrant for the Annual Town Meeting or a Special Town Meeting.
4. The warrant, serving as the agenda, must be posted and distributed according to town bylaws, typically several weeks before the meeting.
5. At the Town Meeting, the article is presented and debated. A majority vote is required for adoption.
6. Following approval, within 30 days of adjournment of the town meeting, the Town Clerk is required to submit them to the Attorney General for review and approval.
 - The Attorney General then has 90 days in which to decide whether the proposed amendments are consistent with the constitution and the laws of the Commonwealth.
 - If the Attorney General finds an inconsistency between the proposed amendments and state law, the amendments or portions thereof will be disapproved.

7. If approved, the bylaw is published and codified into the municipal code.

Board of Health

Government-based public health practice is regulated by federal, state, and local laws, regulations, bylaws, and ordinances. [Chapter two of the Guidebook for Massachusetts Board of Health](#) outlines the procedures for making local regulations as follows:

1. Hold a public hearing on regulations, with notice of hearing published twice.
 - The first notice must be published 14 days prior to the hearing.
2. Approve regulations by a majority vote of the board.
3. Publish a summary of the regulations in the newspaper and town website.
4. File attested copies of all regulations with the Massachusetts Department of Environmental Protection.
5. Following approval, within 30 days of adjournment of the town meeting, the Town Clerk is required to submit them to the Attorney General for review and approval.
 - The Attorney General then has 90 days in which to decide whether the proposed amendments are consistent with the constitution and the laws of the Commonwealth.
 - If the Attorney General finds an inconsistency between the proposed amendments and state law, the amendments or portions thereof will be disapproved.
6. If approved, the bylaw is published and codified into the municipal code.

Proposal Impacts

Our experience tells us that addressing these issues aids your preparation, review, and support for your proposal on the Town Meeting floor. The following are questions to Consider before going to town meeting:

- Identify reason(s) for revision or addition.
- Will the proposal address the problems identified?
- Does your proposal conflict with other present General Bylaws?
- Who is impacted? Residents? Town Departments, Boards, Commissions?
- Who is responsible for implementation, and/or enforcement? Is this a change?
- Are there operational costs associated with the revision or addition?
- Are there new or additional permit or inspectional fees?
- Are there new or additional penalties for non-compliance?

Additional Resources:

- [Process for Amending a Zoning Bylaw or Ordinance](#)

Plastics-related Bills in the MA Legislature

2025 Bills in Committee:

[H.912 An Act to Reduce Polystyrene in the Environment](#)

Summary: One year after passage of this Act, no Food Establishment in the Commonwealth of Massachusetts may use, sell, offer for sale, or otherwise distribute disposable food serviceware made from foam polystyrene or solid polystyrene.

[H. 916 An Act to Reduce Single Use Plastics in the Environment](#)

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

[H.917 An Act Reducing Packaging Waste](#)

Summary: Except as provided in this section on and after January 1, 2027, all retail food establishments will use food serviceware that is compostable, recyclable, or reusable for any food prepared or packaged on premises.

[H.1019 An Act Relative to the Reduction of Plastics](#)

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

Technical Assistance

[Toxics Use Reduction Institute \(TURI\)](#)

Working closely with businesses of all sizes, government agencies, local communities, and international organizations, TURI's chemists, engineers, and policy experts support actions to strengthen protection of workers, public health, and the environment from hazardous chemicals.

[Massachusetts Association of Health Boards \(MAHB\)](#)

Provides technical assistance to local health boards to empower them in effectively tackling public health challenges, offering expert guidance and support that enhances community health management and fosters innovative solutions.

[Clean Water Action's Rethink Disposable Program](#)

ReThink Disposable is a technical assistance program that helps food service operators reduce waste, including plastic pollution into our waterways, while cutting costs by replacing disposable packaging items. Whether you are a caterer, a mobile food vendor, host events, or run a restaurant, café or institutional kitchen, ReThink Disposable can help you

[RecyclingWorks](#) (through MA Department of Environmental Protection)

RecyclingWorks in Massachusetts is a recycling assistance program funded by MassDEP and delivered under contract by CET that helps businesses and institutions reduce waste and maximize recycling, reuse, and food recovery opportunities.

[Waste and Recycling Grants & Assistance](#) (through MA Department of Environmental Protection)

Financial and technical assistance available from MassDEP and other organizations.

[MA Office of Technical Assistance and Technology \(OTA\)](#)

OTA provides free, confidential technical assistance with pollution prevention and resource conservation to Massachusetts manufacturers, businesses, and institutions.

Additional Reading

[Lead By Example: Carbon Neutral City Operations](#)

In August 2020, the San Luis Obispo City Council adopted the Climate Action Plan for Community Recovery. This page details the city's plan sector by sector to achieve net zero emissions by 2030.

[A Guide for Municipalities: Supporting Reusable Food Serveware in Your Community](#)

This 2024 guide by the Product Stewardship Institute provides an overview, benefits, and methods of supporting reusable takeout containers in your municipality.

[A Guide to Reuse for Onsite Dining Policies](#)

This Guide provides an overview of the policies enacted to ensure that when customers dine at a food service establishment, they are served food and beverages prepared by that establishment in reusable foodware.

[Center for Environmental Health](#) (CEH)

The Center for Environmental Health protects people from toxic chemicals by working with communities, consumers, workers, government, and the private sector to demand and support business practices that are safe for public health and the environment.

[Plastics | Sierra Club](#)

The Massachusetts Sierra Club has been advocating to reduce plastic pollution and possible exposure to toxins caused by single-use products. This article is specifically tailored to Massachusetts municipalities and residents about plastic pollution with resources on steps to limit consumption.

[Plastics in the Courtroom: The Evolution of Plastics Litigation](#)

Plastics in the Courtroom examines major trends evident related to plastics litigation. Here you will also find the Plastics Litigation Tracker which provides a database of the past and pending cases involving plastic products or pollution. Each case profile includes a summary of the lawsuit, current status, and outcome (if applicable).