

# Natick Board of Health Regulation

## Chapter 29

### Single Use Plastic Beverage Straw and Plastic Stirrers Reduction

#### Section 1. Authority

The Natick Board of Health, pursuant to its authority under Massachusetts General Laws Chapter 111, Section 31 voted to adopt the Regulation "Single Use Plastic Straws and Plastic Beverage Stirrers" to reduce the distribution of single use plastic straws and plastic beverage stirrers within the Town of Natick and to protect the environment of the community.

#### Section 2. Purpose and Intent

This regulation is enacted for the purpose of reducing the distribution of single use plastic straws and plastic beverage stirrers by all Business Establishments in the Town of Natick. The production and use of single use plastic straws and stirrers have significant impacts on the environment, including, but not limited to: contributing to pollution of the land environment; a burden on solid waste collection and recycling facilities; entering storm drains that lead to waterway pollution and causing the potential death of wildlife through ingestion; requiring millions of gallons of crude oil nationally in their manufacturing.

#### Section 3. Definitions

**Food Establishment:** any operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption, as further defined in 105 CMR 590.000, any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.00 et seq., shall be considered a "Food Establishment" for the purposes of this definition with the exception and not including nursing homes or nursing care or assisted living facilities or doctors or nurses or Emergency Medical Personnel providing straws to patients.

**Town Sponsored Events:** any event organized or sponsored by the Town of Natick or any department of the Town of Natick.

**Plastic Beverage Straw:** any tube made of predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, for transferring a beverage from its container to the mouth of the drinker. "Plastic Beverage Straw" includes compostable and biodegradable petroleum or biologically based polymer straws, but does not include straws that are made from non-plastic materials, such as, but limited to, paper, sugar cane and bamboo.

**Plastic Stirrer:** any device that is used to mix beverages, intended for only one-time use, and made predominately of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant source. "Plastic Stirrer" includes compostable and biodegradable petroleum or biologically based polymer stirrers, but does not include stirrers that are made from non-plastic materials, such as, but not limited to, paper, sugar cane and bamboo.

Health Care Facility: any hospital, nursing home, extended care facility, state health or mental institution, clinic, physician's office or health maintenance organization licensed or otherwise operating legally within the Commonwealth.

#### **Section 4. (1) Prohibitions**

Plastic Beverage Straws and Plastic Stirrers shall not be used, distributed, dispensed or sold in conjunction with the serving by Food Establishments or at any Town sponsored event of liquid, slurry, frozen, semi-frozen or other forms of beverages to the public for consumption, unless upon the request of an individual.

Nothing in this regulation prohibits the sale of plastic straws by retail food establishments, convenient stores and general retail stores in packages not in conjunction with the service of liquid, slurry, frozen semi-frozen or other forms of beverages to the public for consumption.

Nothing in this Regulation precludes any Food Establishment or Town-sponsored event from using or providing non-plastic alternatives, such as those made from paper, sugar cane or bamboo available to customers or individuals.

#### **(2) Exemptions**

Nothing in this regulation prohibits any individual from using their own straw of any material for personal use in any business establishment.

The regulation above shall not apply to the distribution or use of a plastic beverage straw or plastic stirrer by any person due to a medical necessity or their request; pre-packaged beverages containing a plastic straw; a health care facility and in the event of a locally declared emergency.

#### **Section 5. Alternatives**

No later than 120 days from the adoption of these regulations, the Sustainability Coordinator shall adopt a list of available alternatives for plastic beverage straws and plastic stirrers.

#### **Section 6. Enforcement**

The enforcement of this Regulation shall be a shared responsibility of the Board of Health and its approved agents.

#### **Section 7. Effective Date**

The prohibitions of this Regulation shall take effect on March 1, 2022.

**Section 8. Violation**

It shall be the responsibility of the Food establishment and/or his or her business agent to ensure compliance with all sections of this Regulation. If the Board of Health or its designee determines that a Food Establishment is in violation of this Regulation, the Board of Health shall act as follows:

- In the case of an initial violation, issue a warning;
  - In the case of a first violation, a fine of fifty (\$50) dollars;
  - In the case of second violation, a fine of one hundred (\$100) dollars;
  - In the case of third or subsequent violation, a fine of not more than three hundred (\$300) dollars;
- Each day any violation exists shall be deemed a separate offense.

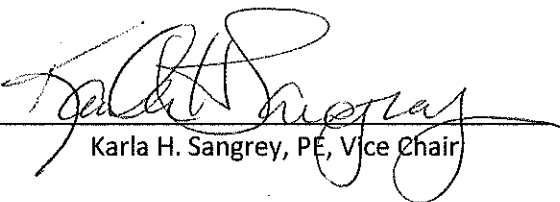
**Section 9. Non-Criminal Disposition**

Whoever violates any provision of this Regulation may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws Chapter 40, Section 21(D) or by filing a complaint at the Natick District Court in Framingham.

**Section 10. Severability**

If any provision of this Regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

  
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Donald J. Breda, PE, Chair

  
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Karla H. Sangrey, PE, Vice Chair

  
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Peter A. Delli Colli, DMD, Clerk