



TOWN OF NEEDHAM
OFFICE OF THE TOWN CLERK
1471 Highland Avenue, Needham, MA 02492

Louise L. Miller, J.D.
Town Clerk

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**AT THE ANNUAL TOWN MEETING
HELD ON MONDAY MAY 13, 2024,**

UNDER **ARTICLE 45**, upon a Citizens' Petition, it was

VOTED: Under the Main Motion in the Citizens' Petition as Amended

That the Town amend the General By-laws by:

1. Adding a new Section 3.13 to read as follows:

**SECTION 3.13 POLYSTYRENE PACKAGING MATERIAL, SINGLE-USE
PLASTIC STRAWS, SINGLE-USE PLASTIC STIRRERS, PLASTIC
SPLASH GUARDS**

3.13.1 Definitions.

The following words shall, unless the context clearly requires otherwise, have the following meanings:

- a) "Department" means the Town of Needham Public Health Department.
- b) "Food or Beverage Vendor" means an operation that stores, prepares, packages, serves, vends, distributes, or otherwise provides food or beverages for human consumption, including but not limited to any establishment requiring a permit to operate in accordance with the Massachusetts Retail Food Code, 105 CMR 590, as it may be amended from time to time.
- c) "Health Agent" shall mean the Director of Health and Human Services or his/her designee.
- d) "Plastic" means a material that contains one or more organic polymer substances of large molecular weight as an essential ingredient.
- e) "Polystyrene" means any food, beverage, or other packaging materials made from a styrene monomer, including but not limited to:
 - i) Expanded polystyrene (EPS), which is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene); or



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- f) "Prepared food" means any food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared on the premises where the food or beverages are to be served. For the purposes of this bylaw, prepared food does not include raw, butchered meats, fish and/or poultry sold from a butcher case or similar retail appliance.
- g) "Retail Sales Establishment" shall mean any business facility that sells goods directly to the consumer whether for or not for profit in the Town of Needham including, but not limited to retail stores, restaurants, pharmacies, food or ice cream truck, convenience, grocery stores, supermarket, liquor stores, seasonal and temporary businesses.
- h) "Single-use plastic straw"
 - i) In general – The term "single-use plastic straw" means a single-use, disposable tube made of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, used to transfer a beverage from a container to the mouth of the person drinking the beverage.
 - ii) Exception – The term "single-use plastic straw" shall not include straws made from non-plastic materials, including, but not limited to metal, glass, paper, pasta, sugar cane, wood, or bamboo;
- i) "Single-use plastic stirrer" – The term "single-use plastic stirrer" means a device that is used to mix beverages and designed as a single-use product made of plastic.
- j) "Single Use" means food and beverage serviceware, that is not reusable, as defined above, and are designed to be used once and then discarded, and not designed for repeated use and sanitizing.
- k) "Single-use plastic splash guard" means a device that fits into the sip-hole of a beverage container lid to prevent a beverage from splashing and is designed as a single-use product made of plastic.

3.13.3 Regulated Conduct.

3.13.3.1 Polystyrene/Styrofoam Containers.

- c. Food establishments are prohibited from dispensing prepared food or beverages to any person in single use food containers made from foam polystyrene.
- d. Retail establishments are prohibited from selling or distributing single use food containers made from foam polystyrene to customers.

3.13.2.2 Single Use Plastic Straws. A food or beverage vendor shall not provide a single-use plastic straw to a customer, unless that customer verbally or electronically requests a plastic straw.



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3.13.2.3 Single-Use Plastic Stirrers. A food or beverage vendor shall not provide a single-use plastic stirrer to a customer.

3.13.2.4 Single-Use Plastic Splash Guards. A food or beverage vendor shall not provide a single-use plastic splash guard to a customer.

3.13.3 Effective Date. This by-law shall take effect on January 1, 2025.

3.13.4 Regulations.

The Needham Public Health Department may adopt and amend rules and regulations to effectuate the purposes of this by-law.

3.13.5 Severability.


Each separate provision of this section shall be deemed independent of all other provisions herein, and if any provision of this section be declared to be invalid by the Attorney General or a court of competent jurisdiction, the remaining provisions of this section shall remain valid and enforceable.

2. Amending Section 8.2.2 (Non-Criminal Disposition) by inserting a new row in the table, in appropriate numerical order, to read as follows:

| | | | | |
|------|---|-------|---------|---|
| 3.13 | Polystyrene Packaging Material, Single-Use Plastic Straws, Single-Use Plastic Stirrers, Plastic Splash Guards | \$100 | Per Day | Director of Health and Human Services or Designee |
|------|---|-------|---------|---|

The Motion under Article 45 Passed as Amended by a Majority Vote as Declared by the Moderator on a Voice Vote.

A true copy
 ATTEST:



 Louise L. Miller, J.D.
 Town Clerk