



1 "Prepared food" means food or beverages that are prepared  
2 to be consumed on the premises of a restaurant or food  
3 establishment or to be taken out by a consumer from the  
4 restaurant or food establishment.

5 § -2 Option for compostable or reusable disposable  
6 food service containers. (a) Beginning on January 1, 2016,  
7 restaurants or food establishments serving prepared food using  
8 disposable food service containers made of expanded polystyrene  
9 foam shall offer consumers the option of using compostable or  
10 reusable disposable food service containers provided by the  
11 restaurant or food establishment.

12 (b) Restaurants or food establishments may charge a fee to  
13 consumers who opt to use compostable or reusable disposable food  
14 service containers.

15 (c) Restaurants or food establishments that provide  
16 disposable food service containers made of expanded polystyrene  
17 foam shall display a clearly visible sign informing consumers  
18 that compostable or reusable disposable food service containers  
19 are available.

20 § -3 Penalties. Any restaurant or food establishment  
21 that violates section -2 shall receive a written warning from



1 the department for an initial violation. Violators shall be  
2 fined by the department for subsequent violations as follows:

- 3 (1) \$100 for each of a second and third violation;
- 4 (2) \$200 for each of a fourth and fifth violation; and
- 5 (3) \$500 for the sixth and each subsequent violation.

6 If the restaurant or food establishment, after receiving written  
7 notice of a violation from the department, fails to remedy such  
8 violation within seven days, the restaurant or food  
9 establishment shall be subject to further penalties as provided  
10 by this section.

11 The department shall undertake administrative action to  
12 impose, collect, or enforce a penalty under this section.

13 § -4 List of packaging. (a) The department shall  
14 establish and maintain a list of suitable and appropriate  
15 packaging for prepared food as alternatives to the use of  
16 expanded polystyrene foam disposable food service containers.

17 (b) The department shall post this list on a publicly  
18 accessible website no later than January 1, 2015. The content  
19 of the website shall be updated periodically by the department.

20 § -5 Rules. The department shall adopt rules pursuant  
21 to chapter 91 to implement this chapter."



1 SECTION 2. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 3. This Act shall take effect on July 1, 2014.  
5

INTRODUCED BY:

*Clara*  
*Nicole E. Lowen*

JAN 21 2014



# H.B. NO. 2202

**Report Title:**

Compostable or Reusable Disposable Food Service Containers

**Description:**

Requires restaurants or food establishments to provide consumers with the option of using compostable or reusable disposable food service containers. Requires signs to be posted informing consumers that such containers are available. Establishes penalties for violations. Effective July 1, 2014.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

