

1 "Food packager" means any person, located within the State,
2 who places meat, eggs, bakery products, or other food in
3 packaging materials, for the purpose of retail sale of those
4 products.

5 "Polystyrene foam container" means a container that is made
6 of expanded polystyrene foam.

7 "Prepared food" means food or beverages that are prepared
8 to be consumed on or off the premises of the establishment which
9 it was prepared.

10 "Undue hardship" includes but is not limited to situations
11 in which:

12 (1) There are no acceptable alternatives to packaging with
13 polystyrene foam containers for reasons that are
14 unique to the applicant; or

15 (2) Compliance with the prohibition would deprive a person
16 of a legally protected right.

17 § -2 Rules. The department shall adopt rules, pursuant
18 to chapter 91, necessary to implement this chapter, including
19 rules relating to enforcement and exemptions.



1 § -3 **Exemption.** The department may grant an exemption
2 from the requirements of this chapter upon application and a
3 showing by the applicant that:

- 4 (1) Compliance would cause undue hardship; or
- 5 (2) The applicant intends to use expanded polystyrene foam
6 for applications relating to:
 - 7 (A) Transportation;
 - 8 (B) Construction;
 - 9 (C) Health; or
 - 10 (D) Safety,

11 and there are no acceptable alternatives to the use of
12 expanded polystyrene foam.

13 **Part II. POLYSTYRENE FOAM CONTAINERS**

14 § -11 **Prohibition on the use of polystyrene foam**
15 **containers.** (a) Beginning on January 1, 2017, no restaurant or
16 food establishment in the State shall serve food or beverages to
17 be consumed in the restaurant or food establishment using
18 polystyrene foam containers.

19 (b) Beginning on January 1, 2018, no restaurant, food
20 establishment, resort, or hotel in the State shall:



- 1 (1) Serve or package prepared food or beverages in
- 2 polystyrene foam containers; or
- 3 (2) Provide polystyrene foam containers for use with food
- 4 or beverages.
- 5 (c) Beginning on January 1, 2020, no food packager in the
- 6 State shall package meat, eggs, bakery products, or other food
- 7 in a polystyrene foam container.

Part III. EXPANDED POLYSTYRENE FOAM

9 § -21 Prohibition on the use of expanded polystyrene
10 foam. Beginning on January 1, 2023, no person in the State
11 shall use expanded polystyrene foam for any purpose unless
12 granted an exemption pursuant to section -3."

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

16 SECTION 4. This Act shall take effect on July 1, 2016.

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H.B. NO. 2232

Report Title:

Food Service Containers; Phase Out Use

Description:

Phases out the use of polystyrene foam (styrofoam) containers by restaurants, food establishments, hotels, and food packagers beginning 1/1/17. Prohibits all expanded polystyrene foam use beginning 1/1/23. Authorizes DOH to allow exemptions.

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