

1 trays, and hinged or lidded containers. "Disposable food
2 service container" does not include single-use disposable straws
3 or utensils.

4 "Expanded polystyrene foam" means blown polystyrene and
5 expanded and extruded foams that are thermoplastic petrochemical
6 materials using styrene.

7 "Food packager" means any person, located within the State,
8 who places meat, eggs, bakery products, or other food in
9 packaging materials, for the purpose of retail sale of those
10 products.

11 "Polystyrene foam container" means a container that is made
12 of expanded polystyrene foam.

13 "Prepared food" means food or beverages that are prepared
14 to be consumed on or off the premises of a restaurant or food
15 establishment.

16 "Undue hardship" includes but is not limited to situations
17 in which:

18 (1) There are no acceptable alternatives to packaging with
19 polystyrene foam containers for reasons that are
20 unique to the applicant; or



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

3 § -2 **Prohibition on the use of polystyrene foam**
4 **containers; exemptions.** (a) Beginning on January 1, 2016, no
5 restaurant or food establishment in the State shall serve
6 prepared food using polystyrene foam containers.

7 (b) Beginning on January 1, 2016, no food packager in the
8 State shall package meat, eggs, bakery products, or other food
9 in any polystyrene foam container.

10 (c) Beginning on January 1, 2016, restaurants, food
11 establishments, and food packagers in the State shall use
12 disposable food service containers made of compostable material.

13 (d) The department may grant an exemption from the
14 requirements of this section upon application and a showing by
15 the applicant that compliance would cause undue hardship.

16 § -3 **Rules.** The department shall adopt rules, pursuant
17 to chapter 91, necessary to implement this chapter, including
18 rules relating to enforcement and exemptions."

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



H.B. NO. 754

1 SECTION 4. This Act shall take effect on July 1, 2015.

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H.B. NO. 754

Report Title:

Food Service Containers

Description:

Prohibits restaurants, food establishments, and food packagers from providing food in polystyrene foam containers beginning 1/1/16. Requires the use of compostable food containers. Authorizes DOH to allow exemptions.

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