

1 "Prepared food" means food or beverages that are prepared
2 for consumption on the premises of a restaurant or food
3 establishment or taken out by a customer from the restaurant or
4 food establishment.

5 § -2 **Option for compostable or reusable disposable food**
6 **service containers.** (a) Beginning on January 1, 2015,
7 restaurants or other food establishments serving prepared food
8 using disposable food service containers made of expanded
9 polystyrene foam shall provide consumers with an option to use
10 compostable or reusable disposable food containers provided by
11 the restaurant or food establishment.

12 (b) Restaurants or other food establishments may charge a
13 fee for disposable food containers; provided that the fee
14 charged for compostable or reusable disposable food service
15 containers shall not be higher than the fee charged for
16 disposable food service containers made of expanded polystyrene
17 foam.

18 (c) Restaurants or other food establishments providing
19 disposable food service containers made of expanded polystyrene
20 foam shall display a clearly visible sign informing customers
21 that compostable disposable food service containers are
22 available at no additional cost, if applicable.



1 § -3 **Penalties.** A restaurant or other food
2 establishment that violates section -2 shall receive a
3 written warning from the department for an initial violation.
4 Violators shall pay a fine for subsequent violations as follows:
5 (1) \$100 for each of the second and third violation;
6 (2) \$300 for each of the fourth and fifth violation; and
7 (3) \$500 for the sixth violation and each subsequent
8 violation.

9 Each day of each violation shall be considered a separate
10 offense. Any action taken in court to impose or collect the
11 penalty provided for in this section shall be considered a civil
12 action."

13 SECTION 2. The department of health shall establish and
14 maintain a list of suitable and appropriate packaging for
15 prepared food, including but not limited to compostable or
16 reusable disposable food service containers, as alternatives to
17 the use of polystyrene, polystyrene foam, and expanded
18 polystyrene foam disposable food service containers. The
19 department shall post its findings on a publicly accessible
20 website no later than July 1, 2014. The content of the website
21 shall be updated with any new developments.



1 SECTION 3. 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 4. This Act shall take effect on July 1, 2050.

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Report Title:

Environment; Compostable or Reusable Disposable Food Service Containers

Description:

Requires food service businesses to provide customers with an option to use compostable or reusable food containers provided by the restaurant for food. Requires signs to be posted informing customers that compostable food containers are available at no extra cost. Requires violators to pay a fine for repeated violations. Takes effect on 7/1/2050. (SD1)

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