

HB2376



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2376

Introduced 2/14/2023, by Rep. Jennifer Gong-Gershowitz

SYNOPSIS AS INTRODUCED:

415 ILCS 5/52.11 new

Amends the Environmental Protection Act. Defines terms. Provides that, beginning January 1, 2025, a retail establishment may not sell or distribute in this State a disposable food service container that is composed in whole or in part of polystyrene foam. Exempts specified entities from the prohibition until one year after the amendatory Act's effective date. Effective immediately.

LRB103 25377 CPF 53332 b

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by
5 adding Section 52.11 as follows:

6 (415 ILCS 5/52.11 new)

7 Sec. 52.11. Disposable food service containers.

8 (a) In this Section:

9 "Disposable food service container" means service ware
10 designed for one-time use. "Disposable food service container"
11 includes, but is not limited to, service ware for take-out
12 foods, bakery products, and leftovers from partially consumed
13 meals. "Disposable food service container" does not include
14 polystyrene foam coolers or ice chests that are used for the
15 processing or shipping of seafood or service ware that is used
16 to contain, transport, or otherwise package raw, uncooked, or
17 butchered meat, poultry, fish, or seafood.

18 "Polystyrene foam" means blown polystyrene and expanded or
19 extruded foams using a styrene monomer.

20 "Primarily engaged in the sale of ready-to-eat food for
21 immediate consumption" means that a retail establishment
22 derives at least 51% of its total sales, excluding the sale of
23 liquor, from the sale of ready-to-eat food for immediate

1 consumption.

2 "Restaurant" means a retail establishment that is
3 primarily engaged in the sale of ready-to-eat food for
4 immediate consumption.

5 "Retail establishment" means a person or entity that is
6 engaged in the business of making sales at retail and that
7 generates occupation or use tax revenue.

8 "Service ware" means a container, bowl, plate, tray,
9 carton, cup, lid, or other item designed to contain,
10 transport, serve, or aid in the consumption of food or
11 beverages.

12 (b) Beginning January 1, 2024, a retail establishment may
13 not sell or distribute in this State a disposable food service
14 container that is composed in whole or in part of polystyrene
15 foam.

16 (c) The prohibition under subsection (b) shall not apply
17 to the following entities, or to the sale of polystyrene foam
18 by a retail establishment to the following entities, until
19 January 1, 2025:

20 (1) A food pantry.

21 (2) A soup kitchen.

22 (3) A not-for-profit corporation that provides food to
23 needy individuals at no or nominal charge.

24 (4) A federal, State, or local governmental agency
25 that provides food to needy individuals at no or nominal
26 charge.

1 (5) A restaurant with an annual gross income under
2 \$500,000 per location as stated on the restaurant's income
3 tax filing for the most recent tax year.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.