

# HB3865



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3865

Introduced 2/17/2023, by Rep. Kevin John Olickal

### SYNOPSIS AS INTRODUCED:

415 ILCS 5/52.11 new

Amends the Environmental Protection Act. Provides that, beginning January 1, 2024, a store may not sell or distribute in this State a disposable food service container that is composed in whole or in part of polystyrene foam. Provides that the prohibition regarding polystyrene foam food service containers shall not apply to specified entities until one year after the amendatory Act's effective date. Effective immediately.

LRB103 29498 CPF 55893 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) As used in this Section:

9 "Disposable food service container" means serviceware  
10 designed for one-time use. "Disposable food service container"  
11 includes, but is not limited to, serviceware for takeout  
12 foods, packaged meat, eggs, bakery products, and leftovers  
13 from partially consumed meals.

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

16 "Serviceware" means a container, bowl, plate, tray,  
17 carton, cup, lid, or other item designed to be used for  
18 prepared foods.

19 "Store" means a retail establishment in the State,  
20 including, but not limited to, a convenience store,  
21 restaurant, grocery store, pharmacy, seasonal or temporary  
22 business, farm stand, or other retail seller of goods to the  
23 ultimate consumer for direct use or consumption and not for

1 resale.

2 (b) Beginning January 1, 2024, a store may not sell or  
3 distribute in this State a disposable food service container  
4 that is composed in whole or in part of polystyrene foam.

5 (c) The prohibition under subsection (b) shall not apply  
6 to the following entities until one year after the effective  
7 date of this amendatory Act of the 103rd General Assembly:

8 (1) A food pantry.

9 (2) A soup kitchen.

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

12 (4) A federal, State, or local government agency that  
13 provides food to needy individuals at no or nominal  
14 charge.

15 (5) A restaurant with an annual gross income under  
16 \$500,000 per location as stated on the restaurant's income  
17 tax filing for the most recent tax year.

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.