

**2023 -- H 5090 SUBSTITUTE A**

LC000320/SUB A/4

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2023**

**A N A C T**

**RELATING TO FOOD AND DRUGS -- DISPOSABLE FOOD SERVICE CONTAINERS**

Introduced By: Representatives Bennett, Carson, Speakman, Cortvriend, McEntee,  
Caldwell, Shanley, Donovan, Ajello, and Handy

Date Introduced: January 12, 2023

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 21 of the General Laws entitled "FOOD AND DRUGS" is hereby  
2 amended by adding thereto the following chapter:

3 CHAPTER 27.3

4 DISPOSABLE FOOD SERVICE CONTAINERS

5 **21-27.3-1. Definitions.**

6 As used in this chapter:

7 (1) "Consumer" means an individual who purchases or accepts food or beverages for use  
8 or consumption.

9 (2) "Covered establishment" includes, but is not limited to:

10 (i) A "food service establishment," which shall have the same meaning set forth in § 21-  
11 27-1.

12 (ii) A food service establishment shall not include:

13 (A) A hospital or a so-called meals on wheels establishment funded in whole or in part  
14 directly or indirectly by or through the executive office of health and human services to provide  
15 meals at dispersed locations from central kitchen facilities;

16 (B) An "agricultural fair," which shall mean a fair held annually at a set location in a county  
17 to exhibit local agricultural products and livestock;

18 (C) A "farmers' market," which shall have the same meaning as set forth in § 21-27-1;

19 (D) A food pantry, church or community organization that provides food or beverages

1 without charge; and

2 (E) A boarding home, a retirement home, an independent living facility, an assisted living  
3 facility, or a nursing home.

4 (3) "Disposable food service container" means service ware designed for one-time use.  
5 This definition includes service ware for take-out foods and leftovers from partially consumed  
6 meals prepared by covered establishments. This definition does not include polystyrene foam  
7 coolers or ice chests that are used for the processing or shipping of food.

8 (4) "Polystyrene foam" means blown polystyrene and expanded or extruded foams using a  
9 styrene monomer.

10 (5) "Service ware" means a container, bowl, plate, tray, carton, cup, lid, sleeve, stirrer or  
11 other item designed to be used to contain, transport, serve or consume prepared foods.

12 **21-27.3-2. Prohibitions and exemptions.**

13 (a) Prohibition. Beginning January 1, 2025, a covered establishment may not process,  
14 prepare, sell or provide food or beverages in or on a disposable food service container that is  
15 composed in whole or in part of polystyrene foam.

16 (b) Plastic beverage stirrers. A covered establishment providing beverages at a facility or  
17 function of the state may not provide beverage stirrers that are composed of plastic. For the  
18 purposes of this subsection, "beverage stirrer" means a device that is designed solely to mix liquids  
19 that are intended for internal human consumption and are contained in a single-serving container.

20 (c) Exemptions. Notwithstanding subsection (a) of this section, a covered establishment  
21 may:

22 (1) In an emergency for the immediate preservation of the public health or safety, as  
23 determined applicable by the department of health, process, prepare, sell or provide food or  
24 beverages in or on a disposable food service container that is composed in whole or in part of  
25 polystyrene foam;

26 (2) Sell or provide food or beverages in or on a disposable food service container that is  
27 composed in whole or in part of polystyrene foam that a consumer brings to the covered  
28 establishment; and

29 (3) Sell at retail, food or beverages in or on a disposable food service container that is  
30 composed in whole or in part of polystyrene foam that the covered establishment purchases  
31 prepackaged at wholesale.

32 **21-27.3-3. Violations of chapter -- Penalty.**

33 Any person that violates any of the provisions of this chapter, or of the rules and regulations  
34 promulgated pursuant to this chapter, and any principal, proprietor, agent, servant, or employee,

1 who directs or knowingly permits the violation or who aids or assists in the violation, shall upon  
2 conviction, be subject to a fine of not more than one hundred dollars (\$100).

3 **21-27.3-4. Enforcement.**

4 The director of the department of health shall promulgate and adopt such rules and  
5 regulations as may be necessary to enforce the provisions of this chapter.

6 SECTION 2. This act shall take effect on January 1, 2025.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
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1           This act would prohibit a covered establishment from preparing, selling, processing or  
2 providing food or beverages in or on a disposable food service container that is composed in whole  
3 or in part of polystyrene foam.

4           This act would take effect on January 1, 2025.

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