

2019 -- H 6126

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO FOOD AND DRUGS -- DISPOSABLE FOOD SERVICE CONTAINERS

Introduced By: Representatives Bennett, Canario, Noret, Vella-Wilkinson, and Jacquard

Date Introduced: May 20, 2019

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 27.2

4 DISPOSABLE FOOD SERVICE CONTAINERS

5 **21-27.2-1. 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. Provided, a food service establishment shall not include a hospital or a so-called meals on  
12 wheels establishment funded in whole or in part directly or indirectly by or through the executive  
13 office of health and human services to provide meals at dispersed locations from central kitchen  
14 facilities;

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

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

18 (iv) A food pantry, church or community organization that provides food or beverages  
19 without charge; and

1 (v) A boarding home, a retirement home, an independent living facility, or a nursing  
2 home.

3 (3) "Disposable food service container" means service ware designed for one-time use.

4 (i) "Disposable food service container" includes service ware for take-out foods,  
5 packaged meat, eggs, bakery products and leftovers from partially consumed meals prepared by  
6 covered establishments.

7 (ii) "Disposable food service container" does not include polystyrene foam coolers or ice  
8 chests that are used for the processing or shipping of seafood.

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

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

13 **21-27.2-2. Prohibitions and exemptions.**

14 (a) Prohibition. Beginning January 1, 2021, a covered establishment may not process,  
15 prepare, sell or provide food or beverages in or on a disposable food service container that is  
16 composed in whole or in part of polystyrene foam.

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

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

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

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

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

34 **21-27.2-3. Violations of chapter -- Penalty.**

1           Any person that violates any of the provisions of this chapter, or of the rules and  
2 regulations promulgated pursuant to this chapter, and any principal, proprietor, agent, servant, or  
3 employee, who directs or knowingly permits the violation or who aids or assists in the violation,  
4 shall upon conviction, be subject to a fine of not more than one hundred dollars (\$100).

5           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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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  
3 whole or in part of polystyrene foam.

4           This act would take effect upon passage.

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