

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 265 Session of
1991

INTRODUCED BY M. N. WRIGHT, FOX, GODSHALL, MELIO, COLAIZZO,
JAROLIN, CORRIGAN, NICKOL, HAGARTY, REBER, FARMER, BILLOW,
BUSH, HESS, WILSON, HANNA, JOSEPHS, CORNELL, BUNT,
E. Z. TAYLOR, BISHOP, RITTER, SERAFINI, BATTISTO, MCGEEHAN
AND J. TAYLOR, FEBRUARY 5, 1991

REFERRED TO COMMITTEE ON CONSERVATION, FEBRUARY 5, 1991

AN ACT

1 Amending the act of May 23, 1945 (P.L.926, No.369), entitled, as
2 amended, "An act for the protection of the public health by
3 regulating the conduct and operation of public eating and
4 drinking places within this Commonwealth; requiring their
5 licensing; imposing certain duties on the Department of
6 Environmental Resources of this Commonwealth and on the local
7 health authorities; and providing penalties," prohibiting the
8 sale of certain food containers which are not degradable.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. The act of May 23, 1945 (P.L.926, No.369),
12 referred to as the Public Eating and Drinking Place Law, is
13 amended by adding a section to read:

14 Section 5.1. Degradable containers.--(a) On and after
15 January 1, 1992, no food or beverage shall be sold or offered
16 for sale in this Commonwealth in containers which are not
17 classified by the Department of Environmental Resources as
18 degradable or recyclable.

19 (b) (1) A violation of this section constitutes a summary

1 offense punishable by a fine not to exceed two hundred fifty
2 dollars (\$250). Each day of violation shall constitute a
3 separate offense.

4 (2) All moneys received from fines imposed for violations of
5 this section shall be deposited in the Recycling Fund
6 established under section 706 of the act of July 28, 1988
7 (P.L.556, No.101) known as the "Municipal Waste Planning,
8 Recycling and Waste Reduction Act."

9 (c) As used in this section, "degradable" means material
10 that, upon exposure to natural elements, is broken down by
11 biological, chemical, photochemical, or other physical processes
12 to a particle size and chemical composition that may be
13 assimilated harmlessly and aesthetically into the environment,
14 without leaving a hazardous residue or by-product.

15 "Recyclable" means materials which would otherwise become
16 solid waste and are capable of being collected, separated or
17 processed and returned to the economic mainstream in the form of
18 raw materials or products.

19 "Sold or offered for sale in this Commonwealth" means all
20 sales of retailers licensed under this act and, in the case of
21 manufacturers, wholesalers and distributors, all sales of
22 products for use and consumption within this Commonwealth. It
23 shall be presumed that all sales of manufacturers, wholesalers
24 and distributors sold within this Commonwealth are for use and
25 consumption within this Commonwealth unless the manufacturer,
26 wholesaler or distributor shows that the products are shipped
27 out of State for out-of-State use.

28 Section 2. This act shall take effect immediately.