
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 803 Session of
2019

INTRODUCED BY LEACH, KEARNEY, SCHWANK, TARTAGLIONE, HUGHES AND
HAYWOOD, JULY 16, 2019

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JULY 16, 2019

AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania
2 Consolidated Statutes, in environmental protection, providing
3 for polystyrene food container prohibition.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 27 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 43

9 POLYSTYRENE FOOD CONTAINER PROHIBITION

10 Sec.

11 4301. Purpose.

12 4302. Definitions.

13 4303. Prohibition.

14 4304. Complaints.

15 4305. Compliance.

16 4306. Regulations.

17 4307. Penalties.

18 4308. Applicability.

1 § 4301. Purpose.

2 The intent of this chapter is to reduce the adverse
3 environmental impact of polystyrene food containers by
4 prohibiting a food establishment from dispensing prepared food
5 to a customer in a polystyrene food service container.

6 § 4302. Definitions.

7 The following words and phrases when used in this chapter
8 shall have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 "Department." The Department of Environmental Protection of
11 the Commonwealth.

12 "Food establishment." All sales outlets, stores, shops or
13 other places of business located within this Commonwealth which
14 operate primarily to sell or convey food directly to the
15 ultimate consumer, which food is predominately contained,
16 wrapped or held in or on packaging. The term shall include, but
17 not be limited to, any place where food is prepared, mixed,
18 cooked, baked, smoked, preserved, bottled, packaged, handled,
19 stored, manufactured and sold or offered for sale, including,
20 but not limited to, any fixed or mobile restaurant, drive-in,
21 coffee shop, cafeteria, short order cafe, delicatessen,
22 luncheonette, grill, sandwich shop, soda fountain, tavern, bar,
23 cocktail lounge, nightclub, roadside stand, prepared food take-
24 out place, industrial feeding establishment, catering kitchen,
25 commissary, grocery store, public food market, food stand or
26 similar place in which food or drink is prepared for sale or for
27 service on the premises or elsewhere, and any other
28 establishment or operation, including homes, where food is
29 processed, prepared, stored, served or provided for the public
30 for charge.

1 "Polystyrene food service container." As follows:

2 (1) A single-use polystyrene foam food service container
3 such as a cup, bowl, plate and clamshell-style container in
4 addition to a foam cooler that is not encased in another
5 material.

6 (2) A single-use polystyrene solid plastic food
7 container such as a cup, bowl, plate, clamshell-style
8 container, cutlery, straw and cup lid.

9 "Prepared food." Food or beverage prepared for public
10 consumption by a food establishment using any cooking or food
11 preparation technique. The term does not include raw or uncooked
12 meat, fish or eggs provided for public consumption without
13 further food preparation.

14 "Retailer." A person that purchases or receives products
15 from any source for the purpose of sale to a consumer.

16 § 4303. Prohibition.

17 (a) Food establishment.--A food establishment is prohibited
18 from the following:

19 (1) Dispensing prepared food in or on a polystyrene food
20 service container.

21 (2) Selling, giving or providing eating utensils or
22 straws composed of polystyrene.

23 (b) Retailer.--A retailer is prohibited from selling, giving
24 or providing a polystyrene food service container except for the
25 following:

26 (1) Meat trays.

27 (2) Egg cartons.

28 (3) Packing materials.

29 § 4304. Complaints.

30 The department shall prescribe a procedure for a person to

1 file a complaint with the department for a violation of this
2 chapter.

3 § 4305. Compliance.

4 The department shall develop and maintain a publicly
5 accessible Internet website with all of the following:

6 (1) A description of the information necessary to comply
7 with the prohibition under section 4303 (relating to
8 prohibition).

9 (2) A description of the procedure to file a complaint
10 with the department for a violation of the prohibition under
11 section 4304 (relating to complaints).

12 § 4306. Regulations.

13 The department may promulgate rules and regulations necessary
14 to implement the provisions of this chapter.

15 § 4307. Penalties.

16 (a) Imposition.--The department may impose a civil penalty
17 in the following amounts for a violation of this chapter:

18 (1) For a first violation, \$500.

19 (2) For a second violation, \$1,000.

20 (3) For a third or subsequent violation, \$2,000.

21 (b) Payment.--Any civil penalty collected under subsection
22 (a) shall be paid to the department.

23 (c) Local law.--This chapter shall preempt any ordinance or
24 resolution passed or adopted by any political subdivision that
25 is effective on, before or after the effective date of this
26 chapter to the extent that the ordinance or resolution conflicts
27 or is inconsistent with the provisions of this chapter.

28 § 4308. Applicability.

29 This chapter shall apply to transactions consummated after
30 December 31, 2019.

1 Section 2. This act shall take effect immediately.