

HB 618 - AS INTRODUCED

2021 SESSION

21-0741

08/06

HOUSE BILL                    **618**

AN ACT                    relative to the sale and distribution of polystyrene food service products.

SPONSORS:            Rep. Spang, Straf. 6; Sen. Whitley, Dist 15; Sen. Perkins Kwoka, Dist 21; Sen. Watters, Dist 4

COMMITTEE:          Commerce and Consumer Affairs

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ANALYSIS

This bill prohibits the sale or distribution of polystyrene foam in food service businesses.

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Explanation:          Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to the sale and distribution of polystyrene food service products.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Purpose. It is the purpose of this act to:

2 I. Achieve source reduction pursuant to RSA 149-M:3 to mitigate the harmful effects of  
3 polystyrene foam food service products on New Hampshire's municipalities and natural resources.

4 II. Relieve the pressure on municipal and county landfills to manage the disposition of  
5 single- use polystyrene food service products.

6 III. Implement source reduction, the first goal in the hierarchy of solid waste management  
7 solutions in Section 149-M:3.

8 2 New Subdivision; Prohibition of Single-use Polystyrene Foam Food Service Products. Amend  
9 RSA 149-M by inserting after section 23 the following new subdivision:

10 Prohibition of Polystyrene Foam Food Service Products

11 149-M:23-a Definitions. In this subdivision:

12 I. "Disposable food service product" means food containers designed for one-time use.  
13 "Disposable food service container" includes service ware for beverages, trays, take-out foods,  
14 packaged meat, eggs, bakery products, and leftovers from partially consumed meals prepared by food  
15 vendors.

16 II. "Food service business" means a business that sells or provides food for consumption on  
17 or off the premises, and includes, but is not limited to, any restaurant, cafe, delicatessen, coffee shop,  
18 supermarket or grocery store, vending truck or cart, food truck, movie theater, school, business, or  
19 institutional cafeteria, including those operated by or on behalf of the state. "Food service business"  
20 does not include health care facilities or Meals on Wheels programs.

21 III. "Polystyrene foam" means blown polystyrene and expanded or extruded foams using a  
22 styrene polymer.

23 IV. "Service product" means a food container, bowl, plate, tray, carton, hot and cold beverage  
24 cup, lid, or other item designed to be used for foods or beverages.

25 149-M:23-b Prohibition on Single-Use Polystyrene Foam Food Service Products.

26 I. Beginning January 1, 2022, no food service business shall sell or distribute in the state a  
27 disposable food service product for foods or beverages that is composed in whole or in part of  
28 polystyrene foam.

29 II. The following items are exempt from the prohibition in this section:

30 (a) Factory-sealed, aseptically-packaged shelf-stable foods.

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1           (b) Uncooked meat, fish, poultry, or seafood for off-premises preparation and  
2 consumption.

3           (c) Food or beverages that have been packaged in expanded polystyrene outside the state  
4 before receipt by a food service business.

5           III This section shall not prohibit a person from re-using polystyrene packaging received  
6 with products distributed from out of state.

7           IV. A food service business shall not be in violation of a prohibition under this subdivision if  
8 the food service business:

9           (a) Purchased the polystyrene foam food service product prior to January, 2022; and

10           (b) Provides the polystyrene food service product to a consumer on or before July 1, 2022.

11           149-M:23-c Municipalities shall have the sole authority under this subdivision to regulate,  
12 implement, and enforce the prohibition on polystyrene foam food service products.

13           3 Effective Date. This act shall take effect January 1, 2022.