

HOUSE BILL No. 1568

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2; IC 13-20-26.

Synopsis: Ban on single use plastic items in restaurants. Defines "single use restaurant service article" as a plate, eating utensil, or straw made of plastic, or a glass or cup made of or lined with plastic. Provides that, after June 30, 2020, a person who: (1) owns or operates a restaurant; and (2) knowingly or intentionally provides to a person purchasing food or drink from the restaurant one or more single use restaurant service articles; commits a Class C infraction.

Effective: July 1, 2019.

Bauer

January 17, 2019, read first time and referred to Committee on Environmental Affairs.



First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1568

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-11-2-61.8 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: **Sec. 61.8. "Eating utensil", for**
4 **purposes of IC 13-20-26, has the meaning set forth in**
5 **IC 13-20-26-1.**

6 SECTION 2. IC 13-11-2-163.5, AS ADDED BY P.L.21-2015,
7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2019]: Sec. 163.5. **(a)** "Plastic", for purposes of IC 13-18-24,
9 has the meaning set forth in IC 13-18-24-3.

10 **(b) "Plastic", for purposes of IC 13-20-26, has the meaning set**
11 **forth in IC 13-20-26-2.**

12 SECTION 3. IC 13-11-2-192.7 IS ADDED TO THE INDIANA
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2019]: **Sec. 192.7. "Restaurant", for purposes**
15 **of IC 13-20-26, has the meaning set forth in IC 13-20-26-3.**

16 SECTION 4. IC 13-11-2-202.9 IS ADDED TO THE INDIANA
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2019]: **Sec. 202.9. "Single use restaurant service article", for purposes of IC 13-20-26, has the meaning set forth in IC 13-20-26-4.**

SECTION 5. IC 13-11-2-224.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 224.5. "Straw", for purposes of IC 13-20-26, has the meaning set forth in IC 13-20-26-5.**

SECTION 6. IC 13-20-26 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 26. Single Use Restaurant Service Articles

Sec. 1. As used in this chapter, "eating utensil" means:

- (1) a fork;**
- (2) a spoon;**
- (3) a knife; or**
- (4) an item designed to serve the same purpose as any one (1) or two (2) items referred to in subdivisions (1) through (3).**

Sec. 2. (a) As used in this chapter, "plastic" means a material that:

- (1) consists mainly of synthetic or semisynthetic organic compounds, but may contain other substances;**
- (2) may be molded or shaped by the application of heat and pressure;**
- (3) is derived from petrochemicals; and**
- (4) is highly resistant to decomposition by the action of microorganisms in nature.**

(b) The term includes the following:

- (1) Polypropylene.**
- (2) Polystyrene.**
- (3) Expanded polystyrene foam.**
- (4) Polyethylene.**

Sec. 3. (a) As used in this chapter, "restaurant" means a facility where food or drink, or both food and drink, are sold in a form intended for or suitable for immediate consumption, either on the premises of the facility or elsewhere.

(b) The term includes the following types of facilities if the facilities meet the description set forth in subsection (a):

- (1) Concession stands located in theaters, sports facilities, retail establishments or malls, transportation terminals, or other locations in which people congregate.**
- (2) Facilities located inside establishments that have a primary purpose other than the sale of food and drink, such**



as hospitals, bookstores, and service stations.

(3) Portable facilities, including food trucks, hot dog carts, and ice cream trucks.

(4) Facilities that offer food or drink, or both food and drink, only on a takeout basis.

(5) Facilities that offer food or drink, or both food and drink, only occasionally, including facilities operated only during events that occur one (1) time per year.

Sec. 4. As used in this chapter, "single use restaurant service article" means any of the following:

(1) An eating utensil made of plastic.

(2) A plate made of plastic.

(3) A straw made of plastic.

(4) A glass or cup made of plastic or lined with plastic.

Sec. 5. As used in this chapter, "straw" means a tube through which liquid is drawn into the mouth.

Sec. 6. After June 30, 2020, a person who:

(1) owns or operates a restaurant; and

(2) knowingly or intentionally provides to a person purchasing food or drink from the restaurant one (1) or more single use restaurant service articles;

commits a Class C infraction.

