

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 4373

(SENATE AUTHORS: MARTY and Dibble)

DATE
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OFFICIAL STATUS
Introduction and first reading
Referred to Commerce and Consumer Protection Finance and Policy

1.1 A bill for an act
1.2 relating to commerce; prohibiting use of disposable polystyrene food service
1.3 containers; prohibiting provision of plastic beverage stirrers at state and local
1.4 government facilities and functions; proposing coding for new law in Minnesota
1.5 Statutes, chapter 325E.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. **325E.0301] PROHIBITION ON USE OF DISPOSABLE POLYSTYRENE**
1.8 **FOOD SERVICE CONTAINERS.**

1.9 Subdivision 1. **Definitions.** The following definitions apply in sections 325E.0301 and
1.10 325E.0302:

1.11 (1) "covered establishment" means an operation licensed under chapter 28A or 157 that:

1.12 (i) stores, prepares, packages, serves, vends, caters, delivers, or otherwise provides food
1.13 for human consumption, where consumption is on or off the premises and regardless of
1.14 whether there is a charge for the food; and

1.15 (ii) relinquishes possession of the food either directly or indirectly to a consumer;

1.16 (2) "disposable food service container" means serviceware designed for onetime use.
1.17 Disposable food service container includes serviceware for take-out foods, packaged meat,
1.18 eggs, bakery products, and leftovers from partially consumed meals prepared by a covered
1.19 establishment. Disposable food service container does not include polystyrene foam coolers
1.20 or ice chests that are used for processing or shipping seafood;

1.21 (3) "polystyrene foam" means blown polystyrene and expanded or extruded foams using
1.22 a styrene monomer; and

2.1 (4) "serviceware" means a container, bowl, plate, tray, carton, cup, lid, sleeve, stirrer,
2.2 or other item designed to be used to contain, transport, serve, or consume prepared foods.

2.3 Subd. 2. **Prohibition.** Beginning January 1, 2022, a covered establishment must not
2.4 process, prepare, sell, or provide food or beverages in or on a disposable food service
2.5 container that is composed in whole or in part of polystyrene foam.

2.6 Subd. 3. **Exceptions.** Subdivision 2 does not apply to:

2.7 (1) an emergency for the immediate preservation of public health or safety;

2.8 (2) a disposable food service container that a consumer brings to a covered establishment;

2.9 or

2.10 (3) retail sale of food or beverages in or on a disposable food service container composed
2.11 in whole or in part of polystyrene foam that the covered establishment purchases prepackaged
2.12 at wholesale.

2.13 Sec. 2. **[325E.0302] RESTRICTING USE OF PLASTIC BEVERAGE STIRRERS;**
2.14 **GOVERNMENT FACILITIES AND FUNCTIONS.**

2.15 A covered establishment providing beverages at a facility or function of the state or a
2.16 political subdivision of the state must not provide beverage stirrers that are composed of
2.17 plastic. For purposes of this section, "beverage stirrer" means a device that is designed solely
2.18 to mix liquids that are intended for human consumption and contained in a single-serving
2.19 container.