
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 783 Session of
2021

INTRODUCED BY BRIGGS, ISAACSON, SANCHEZ, SCHLOSSBERG, McNEILL,
FREEMAN, HOWARD, MADDEN, A. DAVIS, HOHENSTEIN, HILL-EVANS,
DEASY, MERSKI, WEBSTER, SCHWEYER, LEE, D. WILLIAMS, WARREN,
KINKEAD AND FRANKEL, MARCH 8, 2021

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MARCH 8, 2021

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.

1 4308. Applicability.

2 § 4301. Purpose.

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

7 § 4302. Definitions.

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

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

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

6 (2) A single-use polystyrene solid plastic food
7 container, including 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:

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:

25 (1) Meat trays.

26 (2) Egg cartons.

27 (3) Packing materials.

28 § 4304. Complaints.

29 The department shall prescribe a procedure for a person to
30 file a complaint with the department for a violation of this

1 chapter.

2 § 4305. Compliance.

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

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

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

11 § 4306. Regulations.

12 The department may promulgate rules and regulations necessary
13 to implement this chapter.

14 § 4307. Penalties.

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

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

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

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

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

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

27 § 4308. Applicability.

28 This act shall apply to transactions consummated after July
29 1, 2021.

30 Section 2. This act shall take effect immediately.