

Policy Review Matrix: U.S. Plastic Reduction Laws
 Drafted 2/3/2023

Jurisdiction	Policy Name	Product Type(s)	Timeline	Details
State of California	Prop. 67, "Single-Use Carryout Bag Ban" (SB 270)	Bags	Enacted 2014, phased implementation 2015 - 2016	Stores may provide paper or reusable plastic bags (certified to state specifications). Minimum 10 cent fee per bag.
City of Los Angeles, California Note: 128 California cities ban polystyrene	Muni. Code Chapter 12.86, "Reduction of Waste from Single-Use Articles and Expanded Polystyrene Products"	Foodware, Polystyrene	Enacted 2021, phased implementation 2021 - 2025	Single-use foodware provided only upon request. Single-use foodware must be fully recyclable or compostable. Dine-in establishments must provide reusable dishes and cutlery for food eaten on the premises. Retail establishments may not offer polystyrene products. Enforcement fines apply.
State of New Jersey	P.L. 2020, c. 117 "An Act concerning single-use plastic carryout bags, single-use paper carryout bags, polystyrene foam food service products, and single-use plastic straws"	Bags, Polystyrene, Straws	Enacted November 2020, phased implementation 2021 - 2024	Retail stores, grocery stores and food service businesses may not provide or sell single-use plastic carryout bags and polystyrene foam food service products. Single-use paper carryout bags are allowed to be provided or sold, except by grocery stores equal to or larger than 2500 square feet, which may only provide or sell reusable carryout bags. Plastic straws may be provided only upon the request of the customer. Specified exemption; waivers may be provided. Enforcement fines apply.
State of Illinois	SB 100 "EPA-Disposable Food Containers"	Polystyrene	Introduced 2023; vote pending	Provides that, beginning January 1, 2025, a retail establishment may not sell or distribute in this State a disposable food service container that is composed in whole or in part of polystyrene foam.

The Single-Use Foodware Ordinance, effective January 18, 2022, requires that food dispensing establishments, for any delivery or take-out order, provide single-use foodware only upon request from the customer or at a self-service station.

What does the Single-Use Foodware Ordinance Require?

The Single-Use Foodware Ordinance requires that, in connection with any delivery or take-out order of food or beverage, food dispensing establishments provide single-use foodware only upon request from the customer or at a self-service station.

What is a food dispensing establishment?

Food dispensing establishments are any fixed locations where food or drink is routinely prepared and served. Food dispensing establishments include, but are not limited to, restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, grills, tearooms, sandwich shops, soda fountains, taverns, bars, cocktail lounges, nightclubs, industrial feeding establishments, take-out establishments, private institutions or organizations routinely serving food, catering kitchens, commissaries or any other eating or drinking establishment or operation.

What is single-use foodware?

Single-use foodware means any eating utensil or other item to be used as part of food or beverage service that is designed and intended by the manufacturer for only one usage before being discarded, including forks, spoons, sporks, knives, chopsticks, other eating utensils, stirrers, drink stoppers, splash sticks, cocktail sticks, toothpicks, napkins, wet-wipes, cup sleeves, beverage trays, disposable plates, and condiment packets.

Are there are particular items that are not considered single-use foodware?

Single-use foodware does not include straws, beverage lids, or items used to contain or package food or beverages for delivery or take-out orders.

What is a self-service station?

A self-service station is an area dedicated to customers taking away single-use foodware and condiments.

Are there exceptions to which the Ordinance does not apply?

There are a limited number of exceptions to which the Ordinance does not apply. These are:

- 1) Single-use foodware necessary to address safety concerns, such as lids, drink stoppers, beverage trays, and cup sleeves for beverages served at an average temperature in excess of 170 degrees Fahrenheit;
- 2) An automatic food vending machine;
- 3) Any single-use foodware that is prepackaged with or attached to any food or beverage products by the manufacturer prior to receipt by the food dispensing establishment;
- 4) Any charitable food dispensing establishment;
- 5) Single-use foodware provided in connection with any food or beverage order fulfilled at a drive-through facility;
- 6) Any food dispensing establishment located at Chicago O'Hare International Airport or Chicago Midway International Airport.

Does this Ordinance apply to dine-in orders?

The Ordinance applies only to delivery or take-out orders of food or beverage.

What are food dispensing establishments required to do in regard to a customer's request for single-use foodware?

Food dispensing establishments are required to provide options for customers to affirmatively request single-use foodware when ordering for delivery or take-out. This requirement applies to all ordering or point of sale platforms, including internet enabled applications, digital platforms, phone orders, and in-person ordering.

How should the standard sign be used?

Businesses are encouraged to post the standard sign at any location where delivery or take-out orders may be placed.

Where can I find the standard sign for download?

The standard sign is available by visiting Chicago.gov/BACP, then clicking on Licensing.

Where can I find more information about this Ordinance and its requirements?

BACP maintains a Single-Use Foodware webpage with further information about the Ordinance, accessible by visiting Chicago.gov/BACP, then clicking on Licensing.

SB0100



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0100

Introduced 1/24/2023, by Sen. Laura Fine

SYNOPSIS AS INTRODUCED:

415 ILCS 5/52.11 new

Amends the Environmental Protection Act. Defines terms. Provides that, beginning January 1, 2025, a retail establishment may not sell or distribute in this State a disposable food service container that is composed in whole or in part of polystyrene foam. Exempts specified entities from the prohibition until one year after the amendatory Act's effective date. Effective immediately.

LRB103 24854 CPF 52149 b

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by
5 adding Section 52.11 as follows:

6 (415 ILCS 5/52.11 new)

7 Sec. 52.11. Disposable food service containers.

8 (a) In this Section:

9 "Disposable food service container" means service ware
10 designed for one-time use. "Disposable food service container"
11 includes, but is not limited to, service ware for take-out
12 foods, bakery products, and leftovers from partially consumed
13 meals. "Disposable food service container" does not include
14 polystyrene foam coolers or ice chests that are used for the
15 processing or shipping of seafood or service ware that is used
16 to contain, transport, or otherwise package raw, uncooked, or
17 butchered meat, poultry, fish, or seafood.

18 "Polystyrene foam" means blown polystyrene and expanded or
19 extruded foams using a styrene monomer.

20 "Primarily engaged in the sale of ready-to-eat food for
21 immediate consumption" means that a retail establishment
22 derives at least 51% of its total sales, excluding the sale of
23 liquor, from the sale of ready-to-eat food for immediate

1 consumption.

2 "Restaurant" means a retail establishment that is
3 primarily engaged in the sale of ready-to-eat food for
4 immediate consumption.

5 "Retail establishment" means a person or entity that is
6 engaged in the business of making sales at retail and that
7 generates occupation or use tax revenue.

8 "Service ware" means a container, bowl, plate, tray,
9 carton, cup, lid, or other item designed to contain,
10 transport, serve, or aid in the consumption of food or
11 beverages.

12 (b) Beginning January 1, 2025, a retail establishment may
13 not sell or distribute in this State a disposable food service
14 container that is composed in whole or in part of polystyrene
15 foam.

16 (c) The prohibition under subsection (b) shall not apply
17 to the following entities, or to the sale of polystyrene foam
18 by a retail establishment to the following entities, until one
19 year after the effective date of this amendatory Act of the
20 103rd General Assembly:

21 (1) A food pantry.

22 (2) A soup kitchen.

23 (3) A not-for-profit corporation that provides food to
24 needy individuals at no or nominal charge.

25 (4) A federal, State, or local governmental agency
26 that provides food to needy individuals at no or nominal

1 charge.

2 (5) A restaurant with an annual gross income under
3 \$500,000 per location as stated on the restaurant's income
4 tax filing for the most recent tax year.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.