

HOUSE BILL No. 1101

DIGEST OF INTRODUCED BILL

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

Synopsis: Ban on single use Styrofoam carryout containers. Defines "single use restaurant service article" as a container or cup made of polystyrene foam. Provides that, after June 30, 2021, a person who: (1) owns or operates a restaurant; and (2) knowingly or intentionally provides one or more single use restaurant service articles to a person purchasing food or drink from the restaurant; commits a Class C infraction.

Effective: July 1, 2020.

Bauer

January 16, 2020, read first time and referred to Committee on Commerce, Small Business and Economic Development.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1101

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 13-11-2-166.7 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2020]: **Sec. 166.7. "Polystyrene foam", for**
4 **purposes of IC 13-20-26, has the meaning set forth in**
5 **IC 13-20-26-1.**

6 SECTION 2. IC 13-11-2-192.7 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2020]: **Sec. 192.7. "Restaurant", for purposes**
9 **of IC 13-20-26, has the meaning set forth in IC 13-20-26-2.**

10 SECTION 3. IC 13-11-2-202.9 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2020]: **Sec. 202.9. "Single use restaurant**
13 **service article", for purposes of IC 13-20-26, has the meaning set**
14 **forth in IC 13-20-26-3.**

15 SECTION 4. IC 13-20-26 IS ADDED TO THE INDIANA CODE
16 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2020]:



1 **Chapter 26. Single Use Restaurant Service Articles**

2 **Sec. 1. As used in this chapter, "polystyrene foam" means blown**
3 **polystyrene and expanded or extruded foams using a styrene**
4 **monomer.**

5 **Sec. 2. (a) As used in this chapter, "restaurant" means a facility**
6 **where food or drink, or both food and drink, are sold in a form**
7 **intended for or suitable for immediate consumption, either on the**
8 **premises of the facility or elsewhere.**

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

11 **(1) Concession stands located in theaters, sports facilities,**
12 **retail establishments or malls, transportation terminals, or**
13 **other locations in which people congregate.**

14 **(2) Facilities located inside establishments that have a**
15 **primary purpose other than the sale of food and drink, such**
16 **as hospitals, bookstores, and service stations.**

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

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

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

24 **Sec. 3. As used in this chapter, "single use restaurant service**
25 **article" means a:**

26 **(1) container made of polystyrene foam; or**

27 **(2) cup made of polystyrene foam.**

28 **Sec. 4. After June 30, 2021, a person who:**

29 **(1) owns or operates a restaurant; and**

30 **(2) knowingly or intentionally provides one (1) or more single**
31 **use restaurant service articles to a person purchasing food or**
32 **drink, or both food and drink, from the restaurant;**

33 **commits a Class C infraction.**

