SB 1359

Introduced by
Senators Mendez: Gabaldón, Hernandez, Miranda, Sundareshan, Terán;
Representative Salman

AN ACT

AMENDING TITLE 49, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 49-707; RELATING TO SOLID WASTE MANAGEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 49, chapter 4, article 1, Arizona Revised Statutes, is amended by adding section 49-707, to read:

49-707. Polystyrene foam packaging; prohibition; rules; exemption; definitions

A. Beginning January 1, 2025, a restaurant or food establishment in this state may not serve food or beverages to be consumed in the restaurant or food establishment using polystyrene foam containers.

B. Beginning January 1, 2026, a restaurant, food establishment, hotel, motel or resort in this state may not:
   
1. Serve or package prepared food or beverages in polystyrene foam containers.

2. Provide polystyrene foam containers for use with food or beverages.

C. Beginning January 1, 2027, a food packager in this state may not package meat, eggs, bakery products or other food in a polystyrene foam container.

D. The department may grant an application for an exemption from this section if the department finds that there are no acceptable alternatives to using polystyrene foam and any one of the following applies:
   
1. The requirements would cause undue hardship.

2. The applicant intends to use expanded polystyrene foam for applications relating to any of the following:
   
   (a) Transportation.

   (b) Construction.

   (c) Health.

   (d) Safety.

E. The department may adopt rules to implement and enforce this section, including establishing a fee to apply for an exemption.

F. For the purposes of this section:
   
1. "Expanded polystyrene foam" means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials using styrene.

2. "Food packager" means any person located in this state that places meat, eggs, bakery products or other food in packaging materials for the purpose of the retail sale of those products.

3. "Polystyrene foam container" means a container that is made of expanded polystyrene foam.

4. "Prepared food" means food or beverages that are prepared to be consumed on or off the premises of the establishment in which it was prepared.
5. "UNDUE HARDSHIP" INCLUDES SITUATIONS IN WHICH EITHER OF THE
FOLLOWING APPLIES:

(a) THERE ARE NO ACCEPTABLE ALTERNATIVES TO PACKAGING WITH
POLYSTYRENE FOAM CONTAINERS FOR REASONS THAT ARE UNIQUE TO THE APPLICANT.
(b) COMPLYING WITH THE PROHIBITION WOULD DEPRIVE A PERSON OF A
LEGALLY PROTECTED RIGHT.