

REFERENCE TITLE: polystyrene foam food packaging; prohibition

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

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)

1 Be it enacted by the Legislature of the State of Arizona:

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

4 49-707. Polystyrene foam packaging; prohibition; rules;
5 exemption; definitions

6 A. BEGINNING JANUARY 1, 2025, A RESTAURANT OR FOOD ESTABLISHMENT IN
7 THIS STATE MAY NOT SERVE FOOD OR BEVERAGES TO BE CONSUMED IN THE
8 RESTAURANT OR FOOD ESTABLISHMENT USING POLYSTYRENE FOAM CONTAINERS.

9 B. BEGINNING JANUARY 1, 2026, A RESTAURANT, FOOD ESTABLISHMENT,
10 HOTEL, MOTEL OR RESORT IN THIS STATE MAY NOT:

11 1. SERVE OR PACKAGE PREPARED FOOD OR BEVERAGES IN POLYSTYRENE FOAM
12 CONTAINERS.

13 2. PROVIDE POLYSTYRENE FOAM CONTAINERS FOR USE WITH FOOD OR
14 BEVERAGES.

15 C. BEGINNING JANUARY 1, 2027, A FOOD PACKAGER IN THIS STATE MAY NOT
16 PACKAGE MEAT, EGGS, BAKERY PRODUCTS OR OTHER FOOD IN A POLYSTYRENE FOAM
17 CONTAINER.

18 D. THE DEPARTMENT MAY GRANT AN APPLICATION FOR AN EXEMPTION FROM
19 THIS SECTION IF THE DEPARTMENT FINDS THAT THERE ARE NO ACCEPTABLE
20 ALTERNATIVES TO USING POLYSTYRENE FOAM AND ANY ONE OF THE FOLLOWING
21 APPLIES:

22 1. THE REQUIREMENTS WOULD CAUSE UNDUE HARDSHIP.

23 2. THE APPLICANT INTENDS TO USE EXPANDED POLYSTYRENE FOAM FOR
24 APPLICATIONS RELATING TO ANY OF THE FOLLOWING:

25 (a) TRANSPORTATION.

26 (b) CONSTRUCTION.

27 (c) HEALTH.

28 (d) SAFETY.

29 E. THE DEPARTMENT MAY ADOPT RULES TO IMPLEMENT AND ENFORCE THIS
30 SECTION, INCLUDING ESTABLISHING A FEE TO APPLY FOR AN EXEMPTION.

31 F. FOR THE PURPOSES OF THIS SECTION:

32 1. "EXPANDED POLYSTYRENE FOAM" MEANS BLOWN POLYSTYRENE AND EXPANDED
33 AND EXTRUDED FOAMS THAT ARE THERMOPLASTIC PETROCHEMICAL MATERIALS USING
34 STYRENE.

35 2. "FOOD PACKAGER" MEANS ANY PERSON LOCATED IN THIS STATE THAT
36 PLACES MEAT, EGGS, BAKERY PRODUCTS OR OTHER FOOD IN PACKAGING MATERIALS
37 FOR THE PURPOSE OF THE RETAIL SALE OF THOSE PRODUCTS.

38 3. "POLYSTYRENE FOAM CONTAINER" MEANS A CONTAINER THAT IS MADE OF
39 EXPANDED POLYSTYRENE FOAM.

40 4. "PREPARED FOOD" MEANS FOOD OR BEVERAGES THAT ARE PREPARED TO BE
41 CONSUMED ON OR OFF THE PREMISES OF THE ESTABLISHMENT IN WHICH IT WAS
42 PREPARED.

1 5. "UNDUE HARDSHIP" INCLUDES SITUATIONS IN WHICH EITHER OF THE
2 FOLLOWING APPLIES:
3 (a) THERE ARE NO ACCEPTABLE ALTERNATIVES TO PACKAGING WITH
4 POLYSTYRENE FOAM CONTAINERS FOR REASONS THAT ARE UNIQUE TO THE APPLICANT.
5 (b) COMPLYING WITH THE PROHIBITION WOULD DEPRIVE A PERSON OF A
6 LEGALLY PROTECTED RIGHT.