

## STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

H.P. 213 - L.D. 289

**An Act To Prohibit the Use of Certain Disposable Food Service Containers****Be it enacted by the People of the State of Maine as follows:****Sec. 1. 38 MRSA c. 15-A is enacted to read:****CHAPTER 15-A****DISPOSABLE FOOD SERVICE CONTAINERS****§1571. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Consumer.** "Consumer" means an individual who purchases or accepts food or beverages for use or consumption.

**2. Covered establishment.** "Covered establishment" includes, but is not limited to:

A. A food establishment, as defined in Title 22, section 2152, subsection 4-A;

B. An eating establishment as defined in Title 22, section 2491, except that "covered establishment" does not include a hospital licensed under Title 22, chapter 405 or a so-called meals on wheels establishment funded in whole or in part directly or indirectly by the Department of Health and Human Services to provide meals at dispersed locations from central kitchen facilities;

C. An agricultural fair as defined in Title 7, section 81, subsection 1;

D. A farmers' market as defined in Title 7, section 415, subsection 1, paragraph A;

E. A food pantry, church or community organization that provides food or beverages without charge; and

F. A boarding home, a retirement home, an independent living place or a nursing home.

**3. Disposable food service container.** "Disposable food service container" means service ware designed for one-time use.

A. "Disposable food service container" includes service ware for take-out foods, packaged meat, eggs, bakery products and leftovers from partially consumed meals prepared by covered establishments.

B. "Disposable food service container" does not include polystyrene foam coolers or ice chests that are used for the processing or shipping of seafood.

**4. Political subdivision.** "Political subdivision" has the same meaning as in Title 14, section 8102, subsection 3.

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

**6. Service ware.** "Service ware" means a container, bowl, plate, tray, carton, cup, lid, sleeve, stirrer or other item designed to be used to contain, transport, serve or consume prepared foods.

**7. State.** "State" has the same meaning as in Title 14, section 8102, subsection 4.

#### **§1572. Prohibitions; exemptions**

**1. Prohibition.** Beginning January 1, 2021, a covered establishment may not process, prepare, sell or provide food or beverages in or on a disposable food service container that is composed in whole or in part of polystyrene foam.

**2. Plastic beverage stirrers.** A covered establishment providing beverages at a facility or function of the State or of a political subdivision may not provide beverage stirrers that are composed of plastic. For the purposes of this subsection, "beverage stirrer" means a device that is designed solely to mix liquids that are intended for internal human consumption and are contained in a single-serving container.

**3. Exemptions.** Notwithstanding subsection 1, a covered establishment may:

A. In an emergency for the immediate preservation of the public health or safety, as determined applicable by the department, process, prepare, sell or provide food or beverages in or on a disposable food service container that is composed in whole or in part of polystyrene foam;

B. Sell or provide food or beverages in or on a disposable food service container that is composed in whole or in part of polystyrene foam that a consumer brings to the covered establishment; and

C. Sell at retail food or beverages in or on a disposable food service container that is composed in whole or in part of polystyrene foam that the covered establishment purchases prepackaged at wholesale.

**§1573. Penalty; rules**

**1. Penalty.** A violation of this chapter is a civil violation for which a fine of not more than \$100 may be adjudged.

**2. Rules.** The department may adopt rules to implement the provisions of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 38 MRSA c. 16-A,** as amended, is repealed.