

SB1531



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1531

Introduced 2/4/2025, by Sen. Laura Fine

SYNOPSIS AS INTRODUCED:

New Act

Creates the Disposable Food Service Container Act. Provides that, beginning January 1, 2030, a person may not sell or distribute in this State a disposable food service container that is composed in whole or in part of polystyrene foam. Specifies that the prohibition does not apply to any activity authorized under an ordinance or resolution adopted by a unit of local government on or before January 1, 2024 or with respect to sales made to a unit of local government for use by the unit of local government for its internal operations. Sets forth penalties for violations of the Act. Limits home rule powers. Effective immediately.

LRB104 10048 BDA 20119 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 1. Short title. This Act may be cited as the
5 Disposable Food Service Container Act.

6 Section 5. Definitions. In this Act, unless the context
7 requires otherwise:

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

17 "Person" means any individual, partnership,
18 co-partnership, firm, company, limited liability company,
19 corporation, association, joint stock company, trust, estate,
20 political subdivision, state agency, or any other legal
21 entity, or their legal representative, agent, or assigns.

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

1 "Service ware" means a container, bowl, plate, tray,
2 carton, cup, lid, or other item designed to contain,
3 transport, serve, or aid in the consumption of food or
4 beverages.

5 Section 10. Disposable food service containers composed of
6 polystyrene foam prohibited.

7 (a) Except as provided in subsection (b), a person may not
8 sell or distribute in this State a disposable food service
9 container that is composed in whole or in part of polystyrene
10 foam beginning January 1, 2030.

11 (b) The prohibition in subsection (a) does not apply to
12 any activity authorized under an ordinance or resolution
13 adopted by a home rule municipality or home rule county on or
14 before January 1, 2024 or with respect to sales made to a unit
15 of local government for use by the unit of local government for
16 its internal operations.

17 Section 15. Penalties and enforcement.

18 (a) A person who violates any provision of this Act shall
19 be liable for a civil penalty of up to \$250 for the first
20 offense; a civil penalty of up to \$500 for a second offense;
21 and a civil penalty of up to \$1,000 for any subsequent offense
22 within a 12-month period.

23 (b) Any violation of this Act may be enforced by the
24 Attorney General or the State's Attorney of the county in

1 which the violation occurs. The penalties provided for in
2 subsection (a) may be recovered in a civil action brought in
3 the name of the people of the State of Illinois by the State's
4 Attorney of the county in which the violation occurred or by
5 the Attorney General. Any penalties collected under this
6 Section in an action in which the Attorney General has
7 prevailed shall be deposited into the Environmental Protection
8 Trust Fund, to be used in accordance with the provisions of the
9 Environmental Protection Trust Fund Act. The Attorney General
10 or the State's Attorney of a county in which a violation occurs
11 may institute a civil action for an injunction, prohibitory or
12 mandatory, to restrain violations of this Act or to require
13 such actions as may be necessary to address violations of this
14 Act.

15 (c) The penalties and injunctions provided in this Act are
16 in addition to any penalties, injunctions, or other relief
17 provided under any other law. Nothing in this Act bars a cause
18 of action by the State for any other penalty, injunction, or
19 other relief provided by any other law.

20 (d) A home rule unit may not regulate the sale and
21 distribution of disposable food service containers composed in
22 whole or in part of polystyrene foam in a manner that is
23 inconsistent with the regulation by the State of the sale and
24 distribution of disposable food service containers composed in
25 whole or in part of polystyrene foam under this Act. This
26 Section is a limitation under subsection (i) of Section 6 of

1 Article VII of the Illinois Constitution on the concurrent
2 exercise by home rule units of powers and functions exercised
3 by the State.

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