

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, egg cartons, or service  
15 ware that is used to contain, transport, or otherwise package  
16 raw, 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 (c) The prohibition in subsection (a) does not prohibit  
18 manufacturing of disposable food service containers that are  
19 composed in whole or in part of polystyrene foam for  
20 distribution or sale outside the State.

21 Section 15. Penalties and enforcement.

22 (a) A person who violates any provision of this Act shall  
23 be provided with a written warning with a notice of violation;  
24 a civil penalty of up to \$500 for a second offense; and a civil

1 penalty of up to \$1,000 for any subsequent offense within a  
2 12-month period.

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

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

24 (d) A home rule unit may not regulate the sale and  
25 distribution of disposable food service containers composed in  
26 whole or in part of polystyrene foam in a manner that is

1 inconsistent with the regulation by the State of the sale and  
2 distribution of disposable food service containers composed in  
3 whole or in part of polystyrene foam under this Act. This  
4 Section is a limitation under subsection (i) of Section 6 of  
5 Article VII of the Illinois Constitution on the concurrent  
6 exercise by home rule units of powers and functions exercised  
7 by the State.

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.