



Sen. Laura Fine

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LRB104 10048 BDA 23419 a

1 AMENDMENT TO SENATE BILL 1531

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1531 by replacing  
3 everything after the enacting clause with the following:

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.

1 "Person" means any individual, partnership,  
2 co-partnership, firm, company, limited liability company,  
3 corporation, association, joint stock company, trust, estate,  
4 political subdivision, state agency, or any other legal  
5 entity, or their legal representative, agent, or assigns.

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

8 "Service ware" means a container, bowl, plate, tray,  
9 carton, cup, lid, or other item designed to contain,  
10 transport, serve, or aid in the consumption of food or  
11 beverages.

12 Section 10. Disposable food service containers composed of  
13 polystyrene foam prohibited.

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

18 (b) The prohibition in subsection (a) does not apply to  
19 any activity authorized under an ordinance or resolution  
20 adopted by a home rule municipality or home rule county on or  
21 before January 1, 2024 or with respect to sales made to a unit  
22 of local government for use by the unit of local government for  
23 its internal operations.

24 (c) The prohibition in subsection (a) does not prohibit  
25 manufacturing of disposable food service containers that are

1 composed in whole or in part of polystyrene foam for  
2 distribution or sale outside the State.

3 Section 15. Penalties and enforcement.

4 (a) A person who violates any provision of this Act shall  
5 be provided with a written warning with a notice of violation;  
6 a civil penalty of up to \$500 for a second offense; and a civil  
7 penalty of up to \$1,000 for any subsequent offense within a  
8 12-month period.

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

25 (c) The penalties and injunctions provided in this Act are

1 in addition to any penalties, injunctions, or other relief  
2 provided under any other law. Nothing in this Act bars a cause  
3 of action by the State for any other penalty, injunction, or  
4 other relief provided by any other law.

5 (d) A home rule unit may not regulate the sale and  
6 distribution of disposable food service containers composed in  
7 whole or in part of polystyrene foam in a manner that is  
8 inconsistent with the regulation by the State of the sale and  
9 distribution of disposable food service containers composed in  
10 whole or in part of polystyrene foam under this Act. This  
11 Section is a limitation under subsection (i) of Section 6 of  
12 Article VII of the Illinois Constitution on the concurrent  
13 exercise by home rule units of powers and functions exercised  
14 by the State.

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.".