

HOUSE BILL NO. 354

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE JOSEPHSON

Introduced: 2/20/24

Referred: Health and Social Services, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the use of polystyrene foam and biodegradable or compostable**
2 **disposable food service ware; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 17.20 is amended by adding a new section to read:

5 **Sec. 17.20.035. Polystyrene foam disposable food service ware.** (a) Except
6 as provided in (d) and (e) of this section, a restaurant may not provide prepared food in
7 polystyrene foam disposable food service ware.

8 (b) The state may not use or purchase polystyrene foam disposable food
9 service ware.

10 (c) Unless a restaurant demonstrates to the department in a specific application
11 under (e) of this section that an affordable biodegradable or compostable product is
12 not available, a restaurant that uses disposable food service ware shall use
13 biodegradable or compostable disposable food service ware. The department shall
14 recommend that a restaurant reuse food service ware in place of disposable food

1 service ware.

2 (d) The restriction on use of polystyrene foam disposable food service ware
3 under (a) of this section does not apply to

4 (1) prepared food prepared or packaged outside the state;

5 (2) polystyrene foam coolers and ice chests intended for reuse;

6 (3) an area affected by a disaster emergency for the duration of the
7 disaster emergency.

8 (e) A restaurant may apply to the department for an exemption from the
9 requirements of this section. If the department finds that an affordable biodegradable
10 or compostable product is not available to replace a polystyrene foam product or that
11 imposing the requirements of this section on a particular product or type of disposable
12 food service ware would cause undue hardship, the department may grant an
13 exemption to a restaurant for that specific product or type of disposable food service
14 ware.

15 (f) In this section,

16 (1) "biodegradable or compostable product" means a product or
17 package all the elements of which completely break down and return to nature or
18 decompose into elements found in nature within a reasonably short period after
19 customary disposal;

20 (2) "disaster emergency" has the meaning given in AS 26.23.900;

21 (3) "disposable food service ware" means a container, bowl, plate, tray,
22 carton, cup, lid, or other item designated for one-time use in which a restaurant or
23 customer places or packages prepared food so that the food may be taken out of the
24 restaurant for consumption;

25 (4) "polystyrene foam" means Styrofoam, blown polystyrene, or an
26 expanded foam that is made of thermoplastic petrochemical materials using a styrene
27 monomer and processed by fusion of polymer spheres, injection molding, foam
28 molding, extrusion-blow molding, or other techniques;

29 (5) "restaurant" has the meaning given in AS 44.25.048.

30 * **Sec. 2.** This Act takes effect January 1, 2025.