

HOUSE BILL NO. 25

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES JOSEPHSON, Hall, Burke, Hannan, Story, Mina, Carrick, Foster, Fields, Jimmie

Introduced: 1/22/25

Referred: State Affairs, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to disposable food service ware; and providing for an effective date."**

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

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

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

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

9 (c) A restaurant that uses disposable food service ware shall use biodegradable
10 or compostable disposable food service ware, unless the restaurant has received an
11 exemption under (f) of this section.

12 (d) The department shall recommend that a restaurant reuse food service ware
13 in place of disposable food service ware.

14 (e) The restriction on use of polystyrene foam disposable food service ware
15 under (a) of this section does not apply to

- 1 (1) prepared food prepared or packaged outside the state;
 2 (2) polystyrene foam coolers and ice chests intended for reuse;
 3 (3) an area affected by a disaster emergency for the duration of the
 4 disaster emergency.

5 (f) A restaurant may apply to the department for an exemption from the
 6 requirements of this section. The department may grant an exemption to the restaurant
 7 for a particular product or type of disposable food service ware if the restaurant
 8 demonstrates to the department that

- 9 (1) an affordable biodegradable or compostable product is not
 10 available to replace a polystyrene foam product; or
 11 (2) applying the requirements of this section to the particular product
 12 or type of disposable food service ware would cause undue hardship to the restaurant.

13 (g) In this section,

14 (1) "biodegradable or compostable" means that all of the elements
 15 completely break down and return to nature or decompose into elements found in
 16 nature within a reasonably short period after customary disposal;

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

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

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

26 (5) "restaurant" includes a place maintained for the sale and on-
 27 premise consumption of food and a street vendor who sells food prepared for
 28 immediate consumption.

29 * **Sec. 2.** This Act takes effect January 1, 2026.