

CS FOR HOUSE BILL NO. 25(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 3/17/25

Referred: Rules

Sponsor(s): REPRESENTATIVES JOSEPHSON, Hall, Burke, Hannan, Story, Mina, Carrick, Foster, Fields, Jimmie

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to disposable food service ware and containers provided by customers;**
2 **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. Disposable food service ware.** (a) Except as provided in (d) -
6 (f) of this section, a restaurant may not provide prepared food in polystyrene foam
7 disposable food service ware.

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

10 (c) The department shall recommend that a restaurant reuse food service ware
11 in place of disposable food service ware.

12 (d) The department may adopt regulations that allow a restaurant to provide
13 prepared food in a clean container provided by a customer of the restaurant. The
14 regulations must establish procedures to prevent cross-contamination.

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

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

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

- 11 (1) an affordable product is not available to replace a polystyrene foam
12 product; or
13 (2) applying the requirements of this section to the particular product
14 or type of disposable food service ware would cause undue financial and logistical
15 hardship to the restaurant.

16 (g) In this section,

- 17 (1) "disaster emergency" has the meaning given in AS 26.23.900;
18 (2) "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 (3) "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 (4) "restaurant" includes a place maintained for the sale and on-
27 premises consumption of food and a street vendor who sells food prepared for
28 immediate consumption.

29 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
30 read:

31 **TRANSITION: POLYSTYRENE PRODUCTS.** (a) Notwithstanding AS 17.20.035,

1 enacted by sec. 1 of this Act, a restaurant may provide prepared food in polystyrene foam
2 disposable food service ware after the effective date of this Act if the restaurant obtained the
3 polystyrene foam disposable food service ware before the effective date of this Act.

4 (b) Notwithstanding AS 17.20.035, enacted by sec. 1 of this Act, the state may use
5 polystyrene foam disposable food service ware after the effective date of this Act if the state
6 purchased the polystyrene foam disposable food service ware before the effective date of this
7 Act.

8 * **Sec. 3.** This Act takes effect January 1, 2026.