

REFERENCE TITLE: polystyrene foam food packaging; prohibition

State of Arizona  
Senate  
Fifty-fifth Legislature  
Second Regular Session  
2022

# SB 1101

Introduced by  
Senator Mendez: Representative Salman

AN ACT

AMENDING TITLE 49, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 49-707; RELATING TO SOLID WASTE MANAGEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 49, chapter 4, article 1, Arizona Revised  
3 Statutes, is amended by adding section 49-707, to read:

4 49-707. Polystyrene foam packaging; prohibition; rules;  
5 exemption; definitions

6 A. BEGINNING JANUARY 1, 2024, A RESTAURANT OR FOOD ESTABLISHMENT IN  
7 THIS STATE MAY NOT SERVE FOOD OR BEVERAGES TO BE CONSUMED IN THE  
8 RESTAURANT OR FOOD ESTABLISHMENT USING POLYSTYRENE FOAM CONTAINERS.

9 B. BEGINNING JANUARY 1, 2025, A RESTAURANT, FOOD ESTABLISHMENT,  
10 HOTEL, MOTEL OR RESORT IN THIS STATE MAY NOT:

11 1. SERVE OR PACKAGE PREPARED FOOD OR BEVERAGES IN POLYSTYRENE FOAM  
12 CONTAINERS.

13 2. PROVIDE POLYSTYRENE FOAM CONTAINERS FOR USE WITH FOOD OR  
14 BEVERAGES.

15 C. BEGINNING JANUARY 1, 2026, A FOOD PACKAGER IN THIS STATE MAY NOT  
16 PACKAGE MEAT, EGGS, BAKERY PRODUCTS OR OTHER FOOD IN A POLYSTYRENE FOAM  
17 CONTAINER.

18 D. THE DEPARTMENT MAY GRANT AN APPLICATION FOR AN EXEMPTION FROM  
19 THIS SECTION IF THE DEPARTMENT FINDS THAT THERE ARE NO ACCEPTABLE  
20 ALTERNATIVES TO USING POLYSTYRENE FOAM AND ANY ONE OF THE FOLLOWING  
21 APPLIES:

22 1. THE REQUIREMENTS WOULD CAUSE UNDUE HARDSHIP.

23 2. THE APPLICANT INTENDS TO USE EXPANDED POLYSTYRENE FOAM FOR  
24 APPLICATIONS RELATING TO ANY OF THE FOLLOWING:

25 (a) TRANSPORTATION.

26 (b) CONSTRUCTION.

27 (c) HEALTH.

28 (d) SAFETY.

29 E. THE DEPARTMENT MAY ADOPT RULES TO IMPLEMENT AND ENFORCE THIS  
30 SECTION, INCLUDING ESTABLISHING A FEE TO APPLY FOR AN EXEMPTION.

31 F. FOR THE PURPOSES OF THIS SECTION:

32 1. "EXPANDED POLYSTYRENE FOAM" MEANS BLOWN POLYSTYRENE AND EXPANDED  
33 AND EXTRUDED FOAMS THAT ARE THERMOPLASTIC PETROCHEMICAL MATERIALS USING  
34 STYRENE.

35 2. "FOOD PACKAGER" MEANS ANY PERSON LOCATED IN THIS STATE THAT  
36 PLACES MEAT, EGGS, BAKERY PRODUCTS OR OTHER FOOD IN PACKAGING MATERIALS  
37 FOR THE PURPOSE OF THE RETAIL SALE OF THOSE PRODUCTS.

38 3. "POLYSTYRENE FOAM CONTAINER" MEANS A CONTAINER THAT IS MADE OF  
39 EXPANDED POLYSTYRENE FOAM.

40 4. "PREPARED FOOD" MEANS FOOD OR BEVERAGES THAT ARE PREPARED TO BE  
41 CONSUMED ON OR OFF THE PREMISES OF THE ESTABLISHMENT IN WHICH IT WAS  
42 PREPARED.

1           5. "UNDUE HARDSHIP" INCLUDES SITUATIONS IN WHICH EITHER OF THE  
2 FOLLOWING APPLIES:  
3           (a) THERE ARE NO ACCEPTABLE ALTERNATIVES TO PACKAGING WITH  
4 POLYSTYRENE FOAM CONTAINERS FOR REASONS THAT ARE UNIQUE TO THE APPLICANT.  
5           (b) COMPLYING WITH THE PROHIBITION WOULD DEPRIVE A PERSON OF A  
6 LEGALLY PROTECTED RIGHT.