



Sen. Laura Fine

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10200SB1973sam001

LRB102 16676 CPF 34016 a

1 AMENDMENT TO SENATE BILL 1973

2 AMENDMENT NO. _____. Amend Senate Bill 1973 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 adding Section 52.11 as follows:

6 (415 ILCS 5/52.11 new)

7 Sec. 52.11. Disposable food service containers.

8 (a) As used in this Section:

9 "Disposable food service container" means serviceware
10 designed for one-time use. "Disposable food service container"
11 includes, but is not limited to, serviceware for takeout
12 foods, packaged meat, eggs, bakery products, and leftovers
13 from partially consumed meals.

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

16 "Serviceware" means a container, bowl, plate, tray,

1 carton, cup, lid, or other item designed to be used for
2 prepared foods.

3 "Store" means a retail establishment in the State,
4 including, but not limited to, a convenience store,
5 restaurant, grocery store, pharmacy, seasonal or temporary
6 business, farm stand, or other retail seller of goods to the
7 ultimate consumer for direct use or consumption and not for
8 resale.

9 (b) Beginning January 1, 2023, a store may not sell or
10 distribute in this State a disposable food service container
11 that is composed in whole or in part of polystyrene foam.

12 (c) The Agency shall establish a 12-month financial waiver
13 request form. The request for financial waiver is only
14 applicable to the following entities:

15 (1) A food pantry.

16 (2) A soup kitchen.

17 (3) A not-for-profit corporation that provides food to
18 needy individuals at no or nominal charge.

19 (4) A federal, State, or local government agency that
20 provides food to needy individuals at no or nominal
21 charge.

22 (5) A restaurant with an annual gross income under
23 \$500,000 per location as stated on the restaurant's income
24 tax filing for the most recent tax year.

25 (d) The Agency shall review each financial waiver request
26 submitted under subsection (c) and shall grant a waiver if any

1 entity listed in subsection (c) demonstrates that there is no
2 alternative product of comparable cost that is not composed of
3 expanded polystyrene foam and that the purchase or use of an
4 alternative product that is not composed of expanded
5 polystyrene foam would create an undue financial hardship. A
6 financial waiver request may apply to one or more disposable
7 food service containers sold, offered for sale, or distributed
8 by any entity listed in subsection (c).

9 (e) The Agency shall adopt rules to implement the
10 provisions of this Section.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.".