



1 VISIBLE, DISTINGUISHABLE OR TOXIC RESIDUE, INCLUDING NO ADVERSE IMPACT  
2 ON THE ABILITY OF COMPOSTS TO SUPPORT PLANT GROWTH ONCE THE FINISHED  
3 COMPOST IS PLACED IN SOIL.

4 4. "CONTRACTORS AND LESSEES" MEAN ANY PERSON OR ENTITY THAT HAS A  
5 CONTRACT WITH AN AGENCY OR A MUNICIPALITY FOR PUBLIC WORKS OR IMPROVE-  
6 MENTS TO BE PERFORMED, FOR A FRANCHISE, CONCESSION OR LEASE OF PROPERTY,  
7 FOR GRANT MONIES OR GOODS AND SERVICES OR SUPPLIES TO BE PURCHASED AT  
8 THE EXPENSE OF THE AGENCY OR MUNICIPALITY OR TO BE PAID OUT OF MONIES  
9 DEPOSITED IN THE TREASURY OR OUT OF TRUST MONIES UNDER THE CONTROL OR  
10 COLLECTED BY THE AGENCY OR MUNICIPALITY.

11 5. "DISPOSABLE FOOD SERVICE WARE" MEANS ALL CONTAINERS, BOWLS, PLATES,  
12 TRAYS, CARTONS, CUPS, LIDS, STRAWS, FORKS, SPOONS, KNIVES, NAPKINS AND  
13 OTHER ITEMS THAT ARE DESIGNED FOR ONE-TIME USE FOR PREPARED FOODS,  
14 INCLUDING WITHOUT LIMITATION, SERVICE WARE FOR TAKEOUT FOODS AND/OR  
15 LEFTOVERS FROM PARTIALLY CONSUMED MEALS PREPARED BY FOOD VENDORS. THE  
16 TERM "DISPOSABLE FOOD SERVICE WARE" DOES NOT INCLUDE ITEMS COMPOSED  
17 ENTIRELY OF ALUMINUM OR POLYSTYRENE FOAM COOLERS AND ICE CHESTS THAT ARE  
18 INTENDED FOR REUSE NOR DOES THIS TERM INCLUDE RECYCLABLE FOOD SERVICE  
19 WARE.

20 6. "MUNICIPALITY" MEANS A VILLAGE, TOWN, CITY, OR COUNTY, OR ANY  
21 DESIGNATED AGENCY THEREOF.

22 7. "POLYSTYRENE FOAM" MEANS BLOWN POLYSTYRENE AND EXPANDED FOAMS  
23 UTILIZING A STYRENE MONOMER AND PROCESSED BY ANY NUMBER OF TECHNIQUES.  
24 POLYSTYRENE FOAM IS GENERALLY USED TO MAKE CUPS, BOWLS, PLATES, TRAYS,  
25 CLAMSHELL CONTAINERS, MEAT TRAYS AND EGG CARTONS.

26 8. "RECYCLABLE" MEANS MATERIAL THAT CAN BE SORTED, CLEANSED AND RECON-  
27 STITUTED USING AVAILABLE RECYCLING COLLECTION PROGRAMS FOR THE PURPOSE  
28 OF USING THE ALTERED FORM IN THE MANUFACTURE OF A NEW PRODUCT. RECYCLING  
29 DOES NOT INCLUDE BURNING, INCINERATING, CONVERTING, OR OTHERWISE THER-  
30 MALLY DESTROYING SOLID WASTE.

31 S 27-2803. REQUIRED COMPOSTABLE OR RECYCLABLE DISPOSABLE FOOD SERVICE  
32 WARE.

33 AGENCIES, MUNICIPALITIES, AND THEIR CONTRACTORS AND LESSEES SHALL USE  
34 DISPOSABLE FOOD SERVICE WARE MADE FROM MATERIAL, OTHER THAN POLYSTYRENE  
35 FOAM, THAT IS COMPOSTABLE OR RECYCLABLE UNLESS THERE IS NO AFFORDABLE  
36 COMPOSTABLE OR RECYCLABLE PRODUCT AVAILABLE. NOTHING IN THIS SECTION  
37 SHALL BE CONSTRUED TO GOVERN THE ACTIVITIES OF CONTRACTORS AND LESSEES  
38 THAT OCCUR OUTSIDE OF THE STATE OR ACTIVITIES OF CONTRACTORS OF LESSEES  
39 THAT OCCUR WITH ENTITIES OTHER THAN AGENCIES OR MUNICIPALITIES.

40 S 27-2805. POWERS OF MUNICIPALITIES.

41 ANY AGENCY OR MUNICIPALITY MAY PROMULGATE REGULATIONS, ORDINANCES, OR  
42 LAWS TO TAKE ANY AND ALL REASONABLE ACTIONS NECESSARY TO IMPLEMENT AND  
43 ENFORCE THIS TITLE.

44 S 3. The department of environmental conservation shall conduct a  
45 study on the desirability, feasibility and environmental impact of a  
46 statewide prohibition on the use of disposable food service ware that  
47 contains polystyrene foam. The department shall issue a report contain-  
48 ing the results of the study to the legislature no later than the thir-  
49 ty-first of January next succeeding the date on which this act shall  
50 have become a law.

51 S 4. This act shall take effect immediately; provided, however, that  
52 sections one and two of this act shall take effect on the one hundred  
53 twentieth day after it shall have become a law.