65th Legislature HB0657.01

1	HOUSE BILL NO. 657
2	INTRODUCED BY S. MORIGEAU
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT PHASING OUT THE USE OF STYROFOAM IN FOOD-RELATED
5	BUSINESSES; PROVIDING EXEMPTIONS; REQUIRING FEES FOR EXEMPTION APPLICATIONS; AND
6	PROVIDING RULEMAKING AUTHORITY."
7	
8	WHEREAS, expanded polystyrene foam, commonly known as styrofoam, is a material that causes
9	environmental harm and poses a threat to fish and wildlife; and
10	WHEREAS, styrofoam takes up space in landfills and contributes to the need for costly expansions born
11	by taxpayers; and
12	WHEREAS, styrofoam threatens the right of each Montanan to a clean and healthful environment.
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14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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16	NEW SECTION. Section 1. Definitions. As used in [sections 1 through 4] the following definitions
17	apply:
18	(1) "Department" means the department of environmental quality.
19	(2) "Expanded polystyrene foam" means blown polystyrene and expanded and extruded foams that are
20	thermoplastic petrochemical materials using styrene.
21	(3) "Food packager" means any person located in Montana who places meat, eggs, bakery products,
22	or other food in packaging materials, for the purpose of retail sale of those products.
23	(4) "Polystyrene foam container" means a container that is made of expanded polystyrene foam.
24	(5) "Prepared food" means food or beverages that are prepared to be consumed on or off the premises
25	of the establishment in which it was prepared.
26	(6) "Undue hardship" includes but is not limited to situations in which:
27	(a) there are no acceptable alternatives to packaging with polystyrene foam containers for reasons that
28	are unique to the applicant; or
29	(b) compliance with the prohibition would deprive a person of a legally protected right.
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30	- END -
29	4].
28	as an integral part of Title 75, chapter 10, and the provisions of Title 75, chapter 10, apply to [sections 1 through
27	NEW SECTION. Section 5. Codification instruction. [Sections 1 through 4] are intended to be codified
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25	and response account established in 75-1-110.
24	for an application for an exemption. Revenue from the fee must be deposited in the environmental rehabilitation
23	(2) The department shall adopt through rule a reasonable fee that reflects the actual processing costs
22	implement and enforce the provisions of [sections 1 through 4].
20 21	NEW SECTION. Section 4. Rulemaking authority fee. (1) The department may adopt rules to
19	(d) safety.
18	(c) health; or
17	(b) construction;
16	(a) transportation;
15	(2) the applicant intends to use expanded polystyrene foam for applications relating to:
14	(1) the requirements would cause undue hardship; or
13	expanded polystyrene foam and:
12	from the requirements of [section 2] if the department finds there are no acceptable alternatives to the use of
11	NEW SECTION. Section 3. Exemptions. The department may grant an application for an exemption
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9	products, or other food in a polystyrene foam container.
8	(3) beginning January 1, 2022, a food packager in the state may not package meat, eggs, bakery
7	(b) provide polystyrene foam containers for use with food or beverages;
6	(a) serve or package prepared food or beverages in polystyrene foam containers; or
5	(2) beginning January 1, 2021, a restaurant, food establishment, resort, or hotel in the state may not:
3	 beginning January 1, 2020, a restaurant or food establishment in the state may not serve food or beverages to be consumed in the restaurant or food establishment using polystyrene foam containers;
2	in [section 3]: (1) hadinaing language 1, 2020, a rectaurant or food establishment in the state may not some food or
1	NEW SECTION. Section 2. Prohibition on use of expanded polystyrene foam. Except as provided