

HOUSE BILL NO. 657

INTRODUCED BY S. MORIGEAU

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A BILL FOR AN ACT ENTITLED: "AN ACT PHASING OUT THE USE OF STYROFOAM IN FOOD-RELATED BUSINESSES; PROVIDING EXEMPTIONS; REQUIRING FEES FOR EXEMPTION APPLICATIONS; AND PROVIDING RULEMAKING AUTHORITY."

WHEREAS, expanded polystyrene foam, commonly known as styrofoam, is a material that causes environmental harm and poses a threat to fish and wildlife; and

WHEREAS, styrofoam takes up space in landfills and contributes to the need for costly expansions born by taxpayers; and

WHEREAS, styrofoam threatens the right of each Montanan to a clean and healthful environment.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 4] the following definitions apply:

- (1) "Department" means the department of environmental quality.
- (2) "Expanded polystyrene foam" means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials using styrene.
- (3) "Food packager" means any person located in Montana who places meat, eggs, bakery products, or other food in packaging materials, for the purpose of retail sale of those products.
- (4) "Polystyrene foam container" means a container that is made of expanded polystyrene foam.
- (5) "Prepared food" means food or beverages that are prepared to be consumed on or off the premises of the establishment in which it was prepared.
- (6) "Undue hardship" includes but is not limited to situations in which:
 - (a) there are no acceptable alternatives to packaging with polystyrene foam containers for reasons that are unique to the applicant; or
 - (b) compliance with the prohibition would deprive a person of a legally protected right.

