

**Amendment - 1st Reading/2nd House-blue - Requested by: Barry Usher - (S) Natural Resources**

- 2025

69th Legislature 2025

Drafter: Toni Henneman,

HB0477.003.001

HOUSE BILL NO. 477

INTRODUCED BY M. MARLER, M. YAKAWICH

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE USE OF STYROFOAM IN FOOD-RELATED BUSINESSES; PROVIDING EXEMPTIONS; REQUIRING FEES FOR EXEMPTION APPLICATIONS; PROVIDING RULEMAKING AUTHORITY; AUTHORIZING USE OF ACCOUNT; PROVIDING DEFINITIONS; AMENDING SECTION ~~75-4-110~~ 75-10-117, MCA; AND PROVIDING AN EFFECTIVE DATE."

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 borne 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], unless the context clearly indicates otherwise, the following definitions apply:

(1) "Department" means the department of environmental quality provided for in 2-15-3501.

(2) "Expanded polystyrene foam" means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials using styrene.

(3) "Food packager" means a person located in the state who places bakery products or other prepared 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) (a) "Prepared food" means a food or a beverage that is prepared for immediate consumption on or off the premises of the establishment.

(b) The term does not include raw, uncooked meat, fish, or eggs.

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1 (6) "Undue hardship" includes but is not limited to situations in which:

2 (a) there are no acceptable alternatives to packaging prepared food with polystyrene foam  
3 containers for reasons that are unique to an applicant; or

4 (b) complying with the prohibition in [section 2] would deprive a person of a legally protected right.

5  
6 **NEW SECTION. Section 2. Prohibition of use of expanded polystyrene foam.** Except as provided  
7 in [section 3]:

8 (1) beginning January 1, ~~2028~~ 2035, a restaurant or food establishment in the state may not serve  
9 food or beverages to be consumed in the restaurant or food establishment using polystyrene foam containers;

10 (2) beginning January 1, ~~2029~~ 2036, a restaurant, food establishment, resort, or hotel in the state  
11 may not:

12 (a) serve or package prepared food in polystyrene foam containers; or

13 (b) provide polystyrene foam containers for use with food or beverages; and

14 (3) beginning January 1, ~~2030~~ 2037, a food packager in the state may not package bakery  
15 products or other prepared food in a polystyrene foam container.

16  
17 **NEW SECTION. Section 3. Exemptions.** A person may apply to the department for an exemption  
18 from the requirements of [section 2]. The department may grant an application for an exemption if the  
19 department finds there are no acceptable alternatives to the use of expanded polystyrene foam and:

20 (1) the requirements of [section 2] would cause undue hardship; or

21 (2) the applicant intends to use expanded polystyrene foam for purposes relating to:

22 (a) transportation;

23 (b) construction;

24 (c) health; or

25 (d) safety.

26  
27 **NEW SECTION. Section 4. Rulemaking authority -- fee.** (1) The department may adopt rules to