

TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH  
LEGISLATURE  
IN THE HOUSE OF REPRESENTATIVES

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Regular Session, 2021

H. B. 22-10

A BILL FOR AN ACT

To prohibit the use of certain disposable food service containers.

**BE IT ENACTED BY THE 22<sup>ND</sup> NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE:**

1           **Section 1. Findings.** The legislature finds that expanded Polystyrene (EPS)  
2 or Styrofoam, is a petroleum-based non-biodegradable foam, which the  
3 Environmental Protection Agency and International Agency for Research on  
4 Cancer consider styrene a “possible human carcinogen” and “that such materials  
5 can have serious impacts upon human health, wildlife, and aquatic environment,  
6 and the economy.”

7           The legislature further finds that polystyrene is a type of plastic that includes  
8 Styrofoam and is expensive to recycle and is not biodegradable, and has been  
9 shown to leach harmful chemicals into food and beverages. The CNMI has no  
10 economically feasible means of recycling polystyrene foam locally, thus a majority  
11 of used polystyrene foam end up in our land fill. In addition, Expanded Polystyrene  
12 is a common environmental pollutant that poses a risk to the fragile ecological  
13 balance, since marine and land wildlife often perish as a result of ingesting

1 Expanded Polystyrene products. This risk can occur over and over again since  
2 Expanded Polystyrene remains in the ecosystem for a very long time.

3 The legislature finds that it is in the best interest of the health, safety and  
4 welfare of the people that regulations prohibit the use of certain expanded  
5 polystyrene food service products and disposable food service ware to reduce the  
6 cost of solid waste disposal; to protect our fragile environment and ecosystems; and  
7 our wildlife and marine life.

8 Accordingly, the purpose of this Act is to prohibit the use of certain  
9 disposable food service containers beginning January 1, 2023 to allow food  
10 establishments to adjust/exhaust their inventory and to seek environmentally safer  
11 disposable food service containers.

12 **Section 2. Enactment.** Subject to codification by the CNMI Law Revision  
13 Commission, the following new provision is hereby enacted:

14 **“Disposable Food Service Containers.**

15 **§101. Definitions.** As used in this Act, unless the context otherwise  
16 indicates, the following terms have the following meanings.

17 (1) “Consumer” means an individual who purchases or accepts food  
18 or beverages for use or consumption.

19 (2) “Disposable food service container” means service ware  
20 designed for one-time use.

1 (a) "Disposable food service container" includes service  
2 ware for take-out foods, packaged meat, eggs, bakery products and  
3 leftovers from partially consumed meals prepared by food vendors.

4 (b) "Disposable food service container" does not include  
5 polystyrene foam coolers or ice chests that are used for the  
6 processing or shipping of seafood.

7 (3) "Food establishment". Food establishment means a retail,  
8 wholesale or other establishment that processes, prepares, sells or provides  
9 food or beverages. "Food establishment" includes, but is not limited to:

10 (a) Convenience stores, restaurants, grocery stores, markets,  
11 delicatessens and retailers of merchandise and dry goods that sell or  
12 provide food or beverages to consumers;

13 (b) Food pantries, churches, community organizations,  
14 catered events, seasonal or temporary businesses such as  
15 agricultural fairs or farmers' markets and events that provide food or  
16 beverages without charge; and

17 (c) Any place that manufactures, processes, prepares,  
18 bottles, packages, handles or stores food or beverages for retail sale  
19 or wholesale sale.

20 Food establishment does not include a hospital as defined under  
21 Title 3, Division 2 § 2822 (f).

1           (4) "Polystyrene foam" means blown polystyrene and expanded or  
2           extruded foams using a styrene monomer.

3           (5) "Service ware" means a container, bowl, plate, tray, carton, cup,  
4           lid, sleeve, stirrer or other item designed to be used to contain, transport,  
5           serve or consume prepared foods.

6           **§102. Prohibition; exemptions.**

7           (1) Beginning January 1, 2023, a food establishment may not  
8           process, prepare, sell or provide food or beverages in or on a disposable  
9           food service container that is composed in whole or in part of polystyrene  
10          foam.

11          (2) Exemptions. Notwithstanding Subsection 101, a food  
12          establishment may:

13                 (a) In an emergency for the immediate preservation of the  
14                 public health or safety, as determined applicable by the division,  
15                 process, prepare, sell or provide food or beverages in or on a  
16                 disposable food service container that is composed in whole or in  
17                 part of polystyrene foam; and

18                 (b) Sell at retail food or beverages in or on a disposable food  
19                 service container that is composed in whole or in part of polystyrene  
20                 foam that the food establishment purchases prepackaged at  
21                 wholesale.

1                    **§103. Penalty; rules.**

2                    (1) Penalty. A violation of this Act is a civil violation for which a  
3                    fine of not more than \$100 may be imposed.

4                    (2) Rules. The Bureau of Environmental and Coastal Quality,  
5                    Division of Environmental Quality may promulgate rules and regulations to  
6                    implement the provisions of this Act.”

7                    **Section 3. Severability.** If any provisions of this Act or the application of  
8                    any such provision to any person or circumstance should be held invalid by a court  
9                    of competent jurisdiction, the remainder of this Act or the application of its  
10                   provisions to persons or circumstances other than those to which it is held invalid  
11                   shall not be affected thereby.

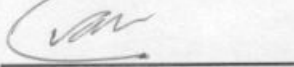
12                   **Section 4. Savings Clause.** This Act and any repealer contained herein shall  
13                   not be construed as affecting any existing right acquired under contract or acquired  
14                   under statutes repealed or under any rule, regulation, or order adopted under the  
15                   statutes. Repealers contained in this Act shall not affect any proceeding instituted  
16                   under or pursuant to prior law. The enactment of the Act shall not have the effect  
17                   of terminating, or in any way modifying, any liability, civil or criminal, which shall  
18                   already be in existence on the date this Act becomes effective.

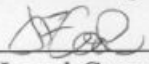
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1           **Section 5. Effective Date.** This Act shall take effect upon its approval by  
2 the Governor, or its becoming law without such approval.

Prefiled: 1/27/2024

Date: 1/27/2024      Introduced by:   
Rep. Ivan A. Blanco

Reviewed for Legal Sufficiency by:  
  
House Legal Counsel

