

ASSEMBLY BILL NO. 244—ASSEMBLYMEMBER CONSIDINE

FEBRUARY 17, 2025

Referred to Committee on Health and Human Services

SUMMARY—Enacts prohibitions relating to the use of disposable foodware containers containing polystyrene foam by certain food establishments. (BDR 40-685)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to food establishments; prohibiting certain food establishments from selling, preparing, providing or transporting food or beverages using disposable foodware containers made from polystyrene foam; providing civil penalties; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law establishes various requirements for food establishments. (Chapter  
2 446 of NRS) Beginning on July 1, 2025, **section 3** of this bill: (1) prohibits a food  
3 establishment with 10 or more locations doing business in this State which offer a  
4 menu of substantially similar items from selling, preparing, providing or  
5 transporting food or beverages using a disposable foodware container that is made  
6 wholly or partially from polystyrene foam; and (2) makes a willful and knowing  
7 violation of this prohibition subject to a civil penalty not to exceed \$1,000 for each  
8 violation. **Section 3** exempts from this prohibition a food establishment that is part  
9 of a business that has less than 10 locations in this State, unless the food  
10 establishment has 1 or more locations doing business in states other than Nevada  
11 which have prohibited the use of disposable foodware containers made wholly or  
12 partially from polystyrene foam. If, before July 1, 2025, an owner or operator of a  
13 food establishment purchased disposable foodware containers made wholly or  
14 partially from polystyrene foam, **section 6** of this bill authorizes the food  
15 establishment to use the remaining inventory of such disposable foodware  
16 containers.

17 Beginning on January 1, 2029, **section 5** of this bill prohibits any food  
18 establishment from selling, preparing, providing or transporting food or beverages  
19 using disposable foodware containers made wholly or partially from polystyrene  
20 foam.

21 **Section 2** of this bill applies the definitions in existing law relating to food  
22 establishments to the provisions of **section 3**.



23 **Section 4** of this bill provides that a violation of this prohibition is not a  
24 misdemeanor.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 446 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2.** *As used in this chapter, unless the context otherwise*  
4 *requires, the words and terms defined in NRS 446.0145 to*  
5 *446.069, inclusive, have the meanings ascribed to them in those*  
6 *sections.*

7 **Sec. 3. 1.** *A food establishment that has 10 or more*  
8 *locations doing business in this State which offer a menu*  
9 *consisting of substantially similar items shall not sell, prepare,*  
10 *provide or transport food or beverages using a disposable*  
11 *foodware container that is made wholly or partially from*  
12 *polystyrene foam.*

13 **2.** *A person who willfully and knowingly violates the*  
14 *provisions of this section is subject to a civil penalty not to exceed*  
15 *\$1,000 for each violation.*

16 **3.** *The provisions of this section do not apply to a food*  
17 *establishment that has less than 10 locations doing business in this*  
18 *State unless the food establishment has 1 or more locations doing*  
19 *business in states other than Nevada that have prohibited the use*  
20 *of disposable foodware containers made wholly or partially from*  
21 *polystyrene foam.*

22 **4.** *As used in this section:*

23 **(a)** *“Disposable foodware container” means a single-use or*  
24 *disposable item that is used for heating, preparing, packaging,*  
25 *-serving or transporting a prepared or ready-to-eat food or*  
26 *beverage item. The term includes, without limitation, bowls, plates,*  
27 *trays, cartons, clamshells, cups, lids, containers or condiment*  
28 *cups.*

29 **(b)** *“Polystyrene foam” means blown polystyrene, commonly*  
30 *known as Styrofoam, and expanded or extruded foams consisting*  
31 *of thermoplastic petrochemical materials utilizing a styrene*  
32 *monomer and processed by fusion, injection molding, foam*  
33 *molding or extrusion blow molding.*

34 **Sec. 4.** NRS 446.945 is hereby amended to read as follows:

35 446.945 Except as otherwise provided in NRS 446.872 ~~§~~ **and**  
36 **section 3 of this act**, any person who violates any of the provisions  
37 of this chapter is guilty of a misdemeanor. In addition thereto, such  
38 persons may be enjoined from continuing such violations. Each day



1 upon which such a violation occurs shall constitute a separate  
2 violation.

3 **Sec. 5.** Section 3 of this act is hereby amended to read as  
4 follows:

5 Sec. 3. 1. A food establishment ~~[that has 10 or more~~  
6 ~~locations doing business in this State which offer a menu~~  
7 ~~consisting of substantially similar items]~~ shall not sell,  
8 prepare, provide or transport food or beverages using a  
9 disposable foodware container that is made wholly or  
10 partially from polystyrene foam.

11 2. A person who willfully and knowingly violates the  
12 provisions of this section is subject to a civil penalty not to  
13 exceed \$1,000 for each violation.

14 3. ~~[The provisions of this section do not apply to a food~~  
15 ~~establishment that has less than 10 locations doing business in~~  
16 ~~this State unless the food establishment has 1 or more~~  
17 ~~locations doing business in states other than Nevada that have~~  
18 ~~prohibited the use of disposable foodware containers made~~  
19 ~~wholly or partially from polystyrene foam.~~

20 ~~—4.]~~ As used in this section:

21 (a) “Disposable foodware container” means a single-use  
22 or disposable item that is used for heating, preparing,  
23 packaging, serving or transporting a prepared or ready-to-eat  
24 food or beverage item. The term includes, without limitation,  
25 bowls, plates, trays, cartons, clamshells, cups, lids, containers  
26 or condiment cups.

27 (b) “Polystyrene foam” means blown polystyrene,  
28 commonly known as Styrofoam, and expanded or extruded  
29 foams consisting of thermoplastic petrochemical materials  
30 utilizing a styrene monomer and processed by fusion,  
31 injection molding, foam molding or extrusion blow molding.

32 **Sec. 6.** Notwithstanding the provisions of section 3 of this act,  
33 if, before July 1, 2025, the owner or operator of a food  
34 establishment, as defined in NRS 446.020, purchased disposable  
35 foodware containers, as defined in section 3 of this act, that are  
36 made wholly or partially from polystyrene foam, as defined in  
37 section 3 of this act, for use in or by the food establishment, the food  
38 establishment may use any remaining inventory of the disposable  
39 foodware containers until the inventory of such disposable foodware  
40 containers is depleted.

41 **Sec. 7.** 1. This section and sections 1 to 4, inclusive, and 6 of  
42 this act become effective on July 1, 2025.

43 2. Section 5 of this act becomes effective on January 1, 2029.



