

Assembly Bill No. 244—Assemblymember Considine

CHAPTER.....

AN ACT relating to food dispensing establishments; prohibiting certain food dispensing 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:**

Existing law establishes various requirements for food establishments. (Chapter 446 of NRS) Beginning on October 1, 2025, **section 3** of this bill: (1) prohibits a food dispensing establishment with 10 or more locations doing business in this State which offer a menu of substantially similar items from selling, preparing, providing or transporting food or beverages using a disposable foodware container that is made wholly or partially from polystyrene foam; and (2) makes a willful and knowing violation of this prohibition subject to a civil penalty not to exceed \$100 per day for each day upon which such a violation occurs. **Section 3** exempts from this prohibition a food dispensing establishment that is part of a business that has less than 10 locations in this State, unless the food dispensing establishment has 1 or more locations doing business in states other than Nevada which have prohibited the use of disposable foodware containers made wholly or partially from polystyrene foam. If, before October 1, 2025, an owner or operator of a food dispensing establishment purchased disposable foodware containers made wholly or partially from polystyrene foam, **section 6** of this bill authorizes the food dispensing establishment to use the remaining inventory of such disposable foodware containers.

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

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

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

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

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

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

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



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

*2. A person who willfully and knowingly violates the provisions of this section is subject to a civil penalty not to exceed \$100 per day for each day upon which such a violation occurs.*

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

*4. As used in this section:*

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

*(b) "Food dispensing establishment" has the meaning ascribed to it in NRS 597.7629.*

*(c) "Polystyrene foam" means blown polystyrene, commonly known as Styrofoam, and expanded or extruded foams consisting of thermoplastic petrochemical materials utilizing a styrene monomer and processed by fusion, injection molding, foam molding or extrusion blow molding.*

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

446.945 Except as otherwise provided in NRS 446.872 ~~and~~ **and section 3 of this act**, any person who violates any of the provisions of this chapter is guilty of a misdemeanor. In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

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

Sec. 3. 1. A food dispensing establishment ~~[that has 10 or more locations doing business in this State which offer a menu consisting of substantially similar items]~~ shall not sell, prepare, provide or transport food or beverages using a



disposable foodware container that is made wholly or partially from polystyrene foam.

2. A person who willfully and knowingly violates the provisions of this section is subject to a civil penalty not to exceed \$100 per day for each day upon which such a violation occurs.

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

~~4.]~~ As used in this section:

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

(b) “Food dispensing establishment” has the meaning ascribed to it in NRS 597.7629.

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

**Sec. 6.** Notwithstanding the provisions of section 3 of this act, if, before October 1, 2025, the owner or operator of a food dispensing establishment, as defined in NRS 597.7629, purchased disposable foodware containers, as defined in section 3 of this act, that are made wholly or partially from polystyrene foam, as defined in section 3 of this act, for use in or by the food dispensing establishment, the food dispensing establishment may use any remaining inventory of the disposable foodware containers until the inventory of such disposable foodware containers is depleted.

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

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



