SPONSOR: Sen. Pinkney & Rep. Cooke

DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

# SENATE BILL NO. 178

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE USE OF POLYSTYRENE FOAM FOOD SERVICE PACKAGING IN LEVEL IV AND LEVEL V DEPARTMENT OF CORRECTION FACILITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 3004Q, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3004Q. Restrictions; polystyrene foam food service packaging [Effective July 1, 2025].

(a) A food establishment may not provide ready-to-eat food to a consumer in polystyrene foam food service packaging.

(b) This section does not apply to any of the following:

(3) Food provided in a Level IV or Level V Department of Correction facility.

## SYNOPSIS

This Act exempts food served in Level IV and Level V correctional facilities from restrictions on the use of polystyrene foam food service packaging. Scheduled to go into effect on July 1, 2025, § 3004Q of Title 16 prohibits food establishments from providing ready-to-eat food in polystyrene foam food service packaging. This prohibition would create significant hardships and increase costs for the Department of Correction ("Department"), which uses polystyrene foam food service packaging in the course of providing over 14,000 meals per day to Department inmates.

Author: Senator Pinkney