

COMMITTEE ON HOUSING, TRANSPORTATION AND
TELECOMMUNICATIONS

BILL NO. 36-0240

Thirty-Sixth Legislature of the Virgin Islands

February 10, 2026

An act amending title 29 Virgin Islands Code, chapter 8, by adding a subchapter III prohibiting food service providers from selling or distributing food in disposable containers that are composed of, in whole or in part, expanded polystyrene foam and prohibiting manufacturers and stores from providing polystyrene loose fill packaging

PROPOSED BY: Senator Milton E. Potter

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 29 Virgin Islands Code, chapter 8 is amended by adding subchapter III to read as follows:

“Subchapter III. Regulation of Expanded Polystyrene Foam Containers and Polystyrene Loose Fill Packaging

§ 500aa. Definitions

- (1) “Authority” means the Virgin Islands Waste Management Authority.
- (2) “Disposable food service container” means a bowl, carton, clamshell, cup, lid, plate, tray, or any other product that is designed or used for the temporary storage or transport

of a prepared food or beverage including a container generally recognized by the public as being designed for single use.

(3) “Expanded polystyrene foam” means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed either by fusion of polymer spheres, known as expandable bead polystyrene; injection molding; foam molding; or extrusion-blow molding, also known as extruded foam polystyrene.

(4) “Food service provider” means an entity that prepares, serves, and sells food to the public, including restaurants, temporary food vendors, caterers, and mobile food units and persons engaged in the business of selling or distributing prepared food or beverages for on premise or off-premise consumption including:

(A) retail food stores;

(B) delicatessens;

(C) grocery stores;

(D) restaurants;

(E) cafeterias;

(F) coffee shops;

(G) hospitals, adult and daycare facilities, and nursing homes; and

(H) learning institutions – elementary, middle, and high schools, trade schools, colleges, and universities.

(5) “Manufacturer” means every person, firm, corporation, or entity that produces or imports polystyrene loose fill packaging that is sold, offered for sale, or distributed in the Virgin Islands.

(6) “Polystyrene loose fill packaging” means a void-filling packaging product made of expanded polystyrene foam that is used as a packaging fill, commonly referred to as packing peanuts.

(7) “Prepared food” means food or beverages that are cooked, chopped, sliced, mixed, brewed, frozen, heated, squeezed, combined, or otherwise prepared on the premises of a food service provider for immediate consumption and require no further preparation to be consumed. The term includes ready-to-eat take out foods and beverages.

(8) “Provide” means to give out, distribute, sell, supply, or otherwise make available for use in the Virgin Islands.

(9) “Store” means a retail or wholesale establishment other than a food service provider.

§ 500bb. Expanded polystyrene foam container and polystyrene loose fill packaging ban

(a) Beginning June 1, 2027, no food service provider or store in the Virgin Islands may provide disposable food containers that contain expanded polystyrene foam.

(b) Beginning June 1, 2027, no manufacturer or store in the Virgin Islands may provide polystyrene loose fill packaging.

§ 500cc. Exemption and waivers

(a) Notwithstanding any inconsistent law, this subchapter does not apply to:

(1) prepackaged food, filled or sealed prior to receipt at a food service provider;
and

(2) raw meat, pork, seafood, poultry, or fish sold for the purpose of cooking or preparing off-premises by the customer.

(b) Any entity, regardless of its income, including soup kitchens, food pantries, and places of worship, operated by a not-for-profit corporation or by a federal, or local government agency that provides or serves food at no or nominal charge, does not operate three or more locations, and is not operated pursuant to a franchise agreement, may request from the Authority, a financial hardship waiver from the requirements of section 500bb, in a manner and form established by the Authority.

(c) The Authority shall grant a waiver if the food service provider demonstrates that there is no alternative product of comparable cost that is not composed of expanded polystyrene foam and that the purchase or use of an alternative product that is not composed of expanded polystyrene foam creates an undue financial hardship. A financial hardship waiver is valid for twelve months and is renewable for an additional six months upon application to the Authority.

§ 500dd. Penalties; enforcement

(a) Beginning December 1, 2027, any food service provider, store, or manufacturer who violates any provision of this subchapter, or any regulation adopted pursuant to this subchapter, is subject to:

(1) an order to discontinue providing disposable food service containers that contain expanded polystyrene foam or polystyrene loose fill; and

(2) a civil fine of not less than \$500 but not more than \$1,000 for each day of violation.

(b) Monies collected from fines or other civil penalties must be allocated as follows:

(1) 75 percent to the Virgin Islands Waste Management Authority; and

(2) 25 percent to the General Fund of the Treasury of the Government of the Virgin Islands.

1 (c) The Authority shall afford an entity due process before imposing fines or
2 penalties.”

3 **SECTION 2.** (a) The Authority shall promulgate regulations for the implementation,
4 administration, and enforcement title 29 Virgin Islands Code, chapter 8, subchapter III, to
5 include the establishment of the criteria for determining products of comparable costs.

6 (b) The Authority shall publish and disseminate a leaflet that includes the provisions
7 of this subchapter and information about the benefits of waste reduction, reuse and recycling.

8 **BILL SUMMARY**

9 This bill amends title 29 Virgin Islands Code, chapter 8, by adding subchapter III
10 providing for the ban of disposable food containers that are composed in whole or in part of
11 polystyrene foam. It sets forth the definitions for terms used in the bill, describes what is
12 banned, describes exemptions and waivers and discusses penalties and enforcement. The bill
13 also authorizes the Waste Management Authority to draft regulations and requires the Authority
14 to disseminate the subchapter and information about recycling, reuse, and waste reduction.

15 **BR25-0091/February 9, 2026/SLR**