

Department of Planning and Budget

2020 Fiscal Impact Statement

1. Bill Number: HB1046

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Krizek

3. Committee: Agriculture, Chesapeake and Natural Resources

4. Title: Expanded polystyrene food service containers; prohibition; civil penalty.

5. Summary: Prohibits the dispensing by a food vendor of prepared food to a customer in a single-use expanded polystyrene food service container, as defined in the bill, beginning January 1, 2021. The bill exempts certain institutions, including correctional facilities and public schools, from the definition of "food vendor" and provides a process by which a locality may grant consecutive one-year exemptions to food vendors on the basis of undue economic hardship. The bill provides a civil penalty of \$50 for each day of violation, to be collected in a civil action brought by the Attorney General or the relevant locality. The bill directs the penalties collected to the Litter Control and Recycling Fund or to the treasury of the relevant locality, as appropriate. The bill expands the uses of the Fund to include the operation of public information campaigns to discourage the sale and use of expanded polystyrene products and to promote alternatives to expanded polystyrene. Finally, the bill directs the Department of Environmental Quality to post on its website information on compliance and the filing of complaints.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Indeterminate. See item 8.

8. Fiscal Implications: It is anticipated that any expenditure impact on the Department of Environmental Quality as a result of this bill can be absorbed within existing resources. Revenues resulting from the civil penalty established in this bill are to be deposited into the Litter Control and Recycling Fund, which supports grants to localities to aid in litter and recycling program efforts. Any potential revenue impact resulting from this measure is indeterminate, as it is not possible to forecast the number of violations that will occur.

9. Specific Agency or Political Subdivisions Affected: Department of Environmental Quality; Virginia Waste Management Board; Office of the Attorney General; Department of the Treasury; courts; localities.

10. Technical Amendment Necessary: No.

11. Other Comments: This bill is similar to HB533 and HB1347.