

HOUSE BILL No. 1302

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-42-5.5.

Synopsis: Restriction on single use food service items. Prohibits restaurants and third party food delivery services from providing customers with plastic single use food service items. Provides that a restaurant or third party food delivery service shall only provide a nonplastic single use food service item, plastic straw, or condiment packet to a customer who explicitly requests one or more of the items. Establishes the citizens education and complaint fund to further the purposes of the bill. Makes an appropriation.

Effective: July 1, 2025.

Errington

January 13, 2025, read first time and referred to Committee on Public Health.



First Regular Session of the 124th General Assembly (2025)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2024 Regular Session of the General Assembly.

HOUSE BILL No. 1302

A BILL FOR AN ACT to amend the Indiana Code concerning health and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-67.7 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2025]: **Sec. 67.7. "Condiment packet", for**
4 **purposes of IC 16-42-5.5, has the meaning set forth in**
5 **IC 16-42-5.5-1.**

6 SECTION 2. IC 16-18-2-285.5 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2025]: **Sec. 285.5. "Plastic single use food**
9 **service item", for purposes of IC 16-42-5.5, has the meaning set**
10 **forth in IC 16-42-5.5-2.**

11 SECTION 3. IC 16-18-2-318.3 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2025]: **Sec. 318.3. "Restaurant", for purposes**
14 **of IC 16-42-5.5, has the meaning set forth in IC 16-42-5.5-3.**

15 SECTION 4. IC 16-18-2-331.1 IS ADDED TO THE INDIANA
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2025]: **Sec. 331.1. "Single use food service**



1 item", for purposes of IC 16-42-5.5, has the meaning set forth in
2 IC 16-42-5.5-4.

3 SECTION 5. IC 16-18-2-351.6 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2025]: **Sec. 351.6. "Third party food delivery
6 service", for purposes of IC 16-42-5.5, has the meaning set forth in
7 IC 16-42-5.5-5.**

8 SECTION 6. IC 16-42-5.5 IS ADDED TO THE INDIANA CODE
9 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2025]:

11 **Chapter 5.5. Restriction on Single Use Food Service Items**

12 **Sec. 1. As used in this chapter, "condiment packet" means an
13 individual single use plastic container, sealed by the manufacturer
14 or restaurant, containing a condiment.**

15 **Sec. 2. (a) As used in this chapter, "plastic single use food
16 service item" includes a plastic single use:**

- 17 (1) cutlery item;
- 18 (2) beverage splash stick;
- 19 (3) beverage stirrer; or
- 20 (4) eating or drinking container.

21 **The term also includes a napkin wrapped in plastic.**

22 **(b) The term does not include a condiment packet.**

23 **Sec. 3. As used in this chapter, "restaurant" means an
24 establishment that meets the requirements provided in
25 IC 7.1-3-20-9.**

26 **Sec. 4. As used in this chapter, "single use food service item"
27 includes a nonplastic single use:**

- 28 (1) straw;
- 29 (2) cutlery item;
- 30 (3) napkin;
- 31 (4) beverage splash stick;
- 32 (5) beverage stirrer; or
- 33 (6) eating or drinking container.

34 **Sec. 5. As used in this chapter, "third party food delivery
35 service" means a website, mobile telephone application, or other
36 Internet service that offers or arranges for the sale, delivery, or
37 pickup of food or beverages:**

- 38 (1) prepared at a restaurant; or
- 39 (2) sold from a restaurant.

40 **Sec. 6. (a) A restaurant or third party food delivery service shall
41 only provide a:**

- 42 (1) single use food service item;



- 1 (2) plastic straw; or
 2 (3) condiment packet;
 3 to a customer who explicitly requests one (1) or more of the items.
 4 (b) A single use food service item provided by a restaurant or
 5 third party food delivery service shall not be wrapped in plastic or
 6 offered as a bundled set that includes any of the following items:
 7 (1) A fork.
 8 (2) A spoon.
 9 (3) A knife.
 10 (4) A napkin.
 11 (c) A restaurant or third party food delivery service shall allow
 12 a customer to request a single use food service item, plastic straw,
 13 or condiment packet upon submission of an order. These options
 14 shall be available for all methods of ordering, including:
 15 (1) telephone;
 16 (2) Internet; or
 17 (3) mobile telephone application orders.
 18 (d) A:
 19 (1) restaurant employee; or
 20 (2) third party food delivery service employee;
 21 may not inquire into the reason a customer requests a single use
 22 food service item, plastic straw, or condiment packet.
 23 Sec. 7. (a) Except as provided in subsection (b), a restaurant or
 24 third party food delivery service is prohibited from providing
 25 customers with a plastic single use food service item.
 26 (b) A restaurant or third party food delivery service may
 27 provide customers with plastic single use food service items until
 28 the restaurant or third party food delivery service exhausts the
 29 supply of plastic single use food service items owned by the
 30 restaurant or third party food delivery service as of July 1, 2025.
 31 Sec. 8. The state department shall do the following:
 32 (1) Establish a public education program to disseminate
 33 information regarding the banning of plastic single use food
 34 service items in Indiana.
 35 (2) Publish the requirements for a restaurant or third party
 36 food delivery service to comply with this chapter.
 37 (3) Create a website where members of the public can file a
 38 complaint against a restaurant or third party food delivery
 39 service for violations of this chapter.
 40 Sec. 9. (a) The citizens education and complaint fund is
 41 established for the purpose of funding:
 42 (1) the public education program described in section 8 of this



- 1 chapter;
- 2 (2) the citizen's complaint website described in section 8 of
- 3 this chapter; and
- 4 (3) the enforcement by the state department of laws
- 5 concerning plastic single use food service items.
- 6 The fund shall be administered by the state department.
- 7 (b) The fund consists of civil penalties deposited by the state
- 8 department into the fund for violations of this chapter.
- 9 (c) The expenses of administering the fund shall be paid from
- 10 money in the fund.
- 11 (d) The treasurer of state shall invest the money in the fund not
- 12 currently needed to meet the obligations of the fund in the same
- 13 manner as other public money may be invested. Interest that
- 14 accrues from these investments shall be deposited in the fund.
- 15 (e) Money in the fund at the end of a state fiscal year does not
- 16 revert to the state general fund.
- 17 (f) Money in the fund is continually appropriated to carry out
- 18 the purposes of the fund.
- 19 Sec. 10. (a) If a restaurant or third party delivery service
- 20 violates section 6 of this chapter, the state department may:
- 21 (1) seek injunctive relief;
- 22 (2) issue an order of compliance notifying the restaurant or
- 23 third party delivery service of a violation and requiring
- 24 corrective action by a certain date; and
- 25 (3) impose a civil penalty of not more than:
- 26 (A) five hundred dollars (\$500) for a knowing violation;
- 27 (B) one thousand dollars (\$1,000) for an intentional
- 28 violation; and
- 29 (C) two thousand dollars (\$2,000) for a knowing or
- 30 intentional violation of an injunction.
- 31 (b) The state department may assess a civil penalty of five
- 32 hundred dollars (\$500) per day for each day a violation is not
- 33 corrected. All civil penalties under this section shall be deposited
- 34 in the citizens education and complaint fund established by section
- 35 9 of this chapter.
- 36 (c) This subsection applies to a violation of section 6 of this
- 37 chapter that occurs before July 1, 2026. The state department shall
- 38 do the following:
- 39 (1) Refrain from imposing a civil penalty on a restaurant or
- 40 third party delivery service that violates section 6 of this
- 41 chapter.
- 42 (2) Issue a warning that explains how the restaurant or third



1 **party delivery service violated section 6 of this chapter.**
2 **(3) Provide information on compliance with section 6 of this**
3 **chapter to the restaurant or third party delivery service that**
4 **violated section 6 of this chapter.**

5 **Sec. 11. Before July 1, 2026, the state department shall adopt**
6 **rules under IC 4-22-2 to implement, enforce, and administer this**
7 **chapter.**

