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SENATE BILL NO. 11  
Offered January 14, 2026  
Prefiled November 17, 2025

A BILL to amend and reenact §§ 10.1-1414 and 10.1-1422.01 of the Code of Virginia and to repeal § 10.1-1424.3 of the Code of Virginia, relating to expanded polystyrene food service containers; repeal of prohibition.

Patron—DeSteph

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-1414 and 10.1-1422.01 of the Code of Virginia are amended and reenacted as follows: § 10.1-1414. Definitions.

As used in this article, unless the context requires a different meaning:

"Advisory Board" means the Litter Control and Recycling Fund Advisory Board.

"Beneficial use" means a use that is of benefit as a substitute for natural or commercial products and does not contribute to adverse effects on health or the environment. Beneficial use products are produced by facilities that include beneficiation facilities and recycling centers.

"Beneficiation facility" means a facility that uses methods including sorting by color, removal of contaminants, crushing, grinding, screening, grading, and monitoring of size and quality to produce clean, crushed glass cullet that satisfies the specifications of the end user of the cullet, including a manufacturer of glass containers or fiberglass.

"Disposable package" or "container" means all packages or containers intended or used to contain solids, liquids or materials and so designated.

"Expanded polystyrene food service container" means a rigid single-use container made primarily of expanded polystyrene and used in the restaurant and food service industry for serving or transporting prepared, ready-to-consume food or beverages. "Expanded polystyrene food service container" includes plates, cups, bowls, trays, and hinged containers but does not include packaging for unprepared foods or packaging, including a cooler, used in the shipment of food.

"Food vendor" means an establishment that provides prepared food for public consumption on or off its premises and includes a store, shop, sales outlet, restaurant, grocery store, supermarket, delicatessen, or catering truck or vehicle; any other person who provides prepared food; and any individual, organization, group, or state or local government entity that regularly provides food as a part of its services.

"Fund" means the Litter Control and Recycling Fund.

"Litter" means all waste material disposable packages or containers but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing.

"Litter bag" means a bag, sack, or durable material which is large enough to serve as a receptacle for litter inside a vehicle or watercraft which is similar in size and capacity to a state approved litter bag.

"Litter receptacle" means containers acceptable to the Department for the depositing of litter.

"Person" means any natural person, corporation, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, or representative or group of individuals or entities of any kind.

"Prepared food" means a food or beverage prepared for consumption on or off a food vendor's premises, using any cooking or food preparation technique. "Prepared food" does not include raw or uncooked meat, fish, or eggs provided without further food preparation.

"Public place" means any area that is used or held out for use by the public, whether owned or operated by public or private interests.

"Recycling" means the process of separating a given waste material from the waste stream and processing it so that it may be used again as a raw material for a product which may or may not be similar to the original product.

"Recycling center" means a facility that (i) accepts recyclable materials that have already been separated at the source from municipal solid waste generated by either residential or commercial producers; (ii) processes source segregated recyclable materials, including mixed-paper fiber materials, metal and plastic postconsumer containers, and glass containers; and (iii) processes and sells recyclable materials according to end-user specifications. "Recycling center" does not include a facility for construction and demolition debris processing, sorting of municipal solid waste, incineration, sorting or processing of industrial waste, composting, or used tire processing.

"Sold within the Commonwealth" or "sales of the business within the Commonwealth" means all sales of retailers engaged in business within the Commonwealth and in the case of manufacturers and wholesalers,

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59 sales of products for use and consumption within the Commonwealth.

60 "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which  
61 any person or property may be transported upon a public highway, except devices moved by human power or  
62 used exclusively upon stationary rails or tracks.

63 "Watercraft" means any boat, ship, vessel, barge, or other floating craft.

64 **§ 10.1-1422.01. Litter Control and Recycling Fund established; use of moneys; purpose of Fund.**

65 A. All moneys collected ~~from the civil penalties imposed pursuant to § 10.1-1424.3,~~ from the taxes  
66 imposed under §§ 58.1-1700 through 58.1-1710, and by the taxes increased by Chapter 616 of the 1977 Acts  
67 of Assembly, shall be paid into the treasury and credited to a special nonreverting fund known as the Litter  
68 Control and Recycling Fund, which is hereby established. The Fund shall be established on the books of the  
69 Comptroller. Any moneys remaining in the Fund shall not revert to the general fund but shall remain in the  
70 Fund. Interest earned on such moneys shall remain in the Fund and be credited to it. The Director is  
71 authorized to release money from the Fund on warrants issued by the Comptroller after receiving and  
72 considering the recommendations of the Advisory Board for the purposes enumerated in subsection B.

73 B. Moneys from the Fund shall be expended, according to the allocation formula established in subsection  
74 C, for the following purposes:

75 1. Local litter prevention and recycling grants to localities that meet the criteria established in  
76 § 10.1-1422.04; *and*

77 2. Payment to (i) the Department to process the grants authorized by this article and (ii) the actual  
78 administrative costs of the Advisory Board. The Director shall assign one person in the Department to serve  
79 as a contact for persons interested in the Fund; ~~and~~

80 ~~3. The operation of public information campaigns to discourage the sale and use of expanded polystyrene  
81 products and to promote alternatives to expanded polystyrene.~~

82 C. All moneys deposited into the Fund shall be expended pursuant to the following allocation formula:

83 1. Ninety percent for grants made to localities pursuant to subdivision B 1; *and*

84 2. Up to a maximum of five percent for the actual administrative expenditures authorized pursuant to  
85 subdivision B 2; ~~and~~

86 ~~3. Up to a maximum of five percent for the operation of public information campaigns pursuant to  
87 subdivision B 3.~~

88 **2. That § 10.1-1424.3 of the Code of Virginia is repealed.**