

Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement

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ORIGINAL

Bill Number: SB11

Patron: DeSteph

Bill Title: Expanded polystyrene food service containers; repeal of prohibition.

Bill Summary: Repeals the statute prohibiting food vendors and certain restaurants from dispensing prepared food to a customer in a single-use expanded polystyrene food service container.

Budget Amendment Necessary: No.

Items Impacted: N/A

Explanation: This bill involves the Department of Environmental Quality (DEQ); however, no budget action is required. See Fiscal Analysis section, below.

Fiscal Summary: It is anticipated that this bill will result in an indeterminate fiscal impact to DEQ.

Fiscal Analysis: It is anticipated that the bill will result in indeterminate reductions in expenditures and revenues to DEQ. The bill eliminates the requirement that DEQ provide guidance and enforce the prohibition. The bill also eliminates civil penalties set to be deposited into the Litter Control and Recycling Fund, which supports grants to localities to aid in litter and recycling program efforts. The resulting revenue impact is indeterminate, as the number of violations that would otherwise have been assessed and collected cannot be estimated.

The ban was implemented in two phases: July 1, 2025, for food vendors with 20 or more Virginia locations, and July 1, 2026, for other food vendors. To date, the Fund has not received any revenue generated from the aforementioned civil penalties.

Other: As amended, the Litter Control and Recycling Fund allocation formula no longer totals 100 percent. This bill allocates 90 percent of moneys deposited into the Fund for grants to localities and up to five percent for administrative expenditures incurred by DEQ and the Litter Control and Recycling Fund Advisory Board.