

Rhode Island Laws on Plastic Straws, Beverage Stirrers, and Polystyrene Foam Food Containers

By: Janet Kaminski Leduc, Chief Attorney
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Issue

Summarize Rhode Island's laws on plastic straws, plastic beverage stirrers, and disposable food service containers made of polystyrene foam.

Summary

As of January 1, 2022, Rhode Island law prohibits food service establishments from providing customers with single-use plastic straws unless a consumer asks for one. Violators are subject to a notice of violation for a first and second violation and fines for subsequent violations.

In 2023, Rhode Island enacted a law concerning (1) disposable food service containers made in whole or in part of polystyrene foam and (2) plastic beverage stirrers. This new law prohibits covered establishments from processing, preparing, selling, or providing food or beverages in or on these disposable foam food service containers unless an exemption applies (e.g., a health emergency). Additionally, a covered establishment providing beverages at a state facility or function cannot provide plastic beverage stirrers. Violators are subject to fines upon conviction. The law takes effect January 1, 2025.

Plastic Straws

Prohibition and Penalty

Rhode Island law prohibits food service establishments from providing a single-use plastic straw to a consumer unless the consumer requests one. A first or second violation results in a notice of violation. Any subsequent violation is punishable by a \$25 fine per violation, up to \$300 annually. The Department of Health director is authorized to adopt rules and regulations as needed to enforce the law's provisions ([R.I. Gen. Laws §§ 21-27.2-1 to 21-27.2-4](#)).

According to the Rhode Island Department of Health, it has not proposed regulations and does not plan to do so. When conducting food service establishment inspections, it looks for violations of the statute and addresses them accordingly. The department also responds to complaints.

Definitions

Under the law, a “single-use plastic straw” is a single-use, disposable tube made predominantly of plastic derived from petroleum or a biologically based polymer, such as corn or other plant sources, used to transfer a beverage from a container to the mouth of the person drinking the beverage. It does not include a straw made from non-plastic materials (e.g., paper, pasta, sugar cane, wood, or bamboo).

A “food service establishment” is any fixed or mobile restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, roadside stand, industrial feeding establishment, cultural heritage education facility, catering kitchen, commissary or similar place where food or drink is prepared for sale or for service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge, including a private, public, or nonprofit organization or institution routinely serving food ([R.I. Gen. Laws § 21-27-1\(11\)](#)).

Food Service Containers & Beverage Stirrers

Prohibitions and Penalty

Beginning January 1, 2025, Rhode Island law prohibits certain entities (“covered establishments,” see below) from processing, preparing, selling, or providing food or beverages in or on a disposable food service container composed in whole or in part of polystyrene foam unless an exemption applies. It also prohibits these entities that provide beverages at a facility or function of the state from providing plastic beverage stirrers. The Department of Health director is authorized to adopt rules and regulations as needed to enforce the law's provisions.

Anyone who violates the law or any related rules or regulations, and any principal, proprietor, agent, servant, or employee directing or knowingly permitting the violation, or aiding or assisting in it, is subject to a fine of up to \$100 upon conviction ([R.I. Gen. Laws §§ 21-27.3-1 to 21-27.3-4](#), as enacted in [HB 5090](#) and [SB 14](#) (2023)).

Exemptions

The law allows a covered establishment to use polystyrene foam disposable food service containers in the following situations:

1. in an emergency for the immediate preservation of public health or safety, as determined by the applicable department of health;
2. to sell or provide food or beverages that a consumer brings to the establishment; and
3. to sell at retail, food or beverages that the establishment bought prepackaged at wholesale.

Definitions

Under the law, a “covered establishment” is a food service establishment (as defined above) except it excludes the following:

1. a hospital or a meals-on-wheels establishment funded by or through the Office of Health and Human Services to provide meals at dispersed locations from central kitchen facilities;
2. an agricultural fair held annually at a set location in a county to exhibit local agricultural products and livestock;
3. a farmers’ market;
4. a food pantry, church, or community organization providing free food or beverages; and
5. a boarding home, retirement home, independent living facility, assisted living facility, or nursing home.

The law defines a “disposable food service container” as service ware (i.e., a container, bowl, plate, tray, carton, cup, lid, sleeve, stirrer, or other item for containing, transporting, serving, or consuming prepared foods) designed for one-time use, including service ware for take out foods and leftovers from meals prepared by covered establishments. “Polystyrene foam” is blown polystyrene and expanded or extruded foams using a styrene monomer. A “beverage stirrer” is a device designed solely to mix liquids for human consumption and in a single-serving container.

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