

AN ACT relating to solid waste management in public schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔ Section 1. KRS 160.294 is amended to read as follows:

(1) **As used in this section:**

(a) **"Expanded polystyrene tray" or "EPS tray" means a food service tray made, in whole or in part, from expanded polystyrene foam.**

(b) **"Organic waste" means food scraps and compostable food service products generated or discarded within all board-owned and operated facilities that are accepted by the composting facility or composting vendor used by the district.**

(2) Each local board of education shall adopt a plan and procedures for recycling white paper, ~~and~~ cardboard, **and aluminum cans, and for diverting organic waste for composting** in all board-owned and operated facilities.

(3)(2) A ~~local~~ board ~~of education~~ shall be exempt from the requirement to establish a recycling **or composting** program **under** ~~as described in~~ this section if:

(a) There is no recycling **or composting** facility within the county or within a reasonable distance in an adjoining geographic area; ~~or~~

(b) The district cannot locate a recycling **or composting** vendor to service ~~the school~~ district ~~without incurring a negative fiscal impact~~; **or**

(c) **The district determines that diverting organic waste for composting cannot be carried out in compliance with applicable public health, sanitation, solid waste, or local requirements without incurring a negative or unreasonable fiscal impact.**

(4)(3) ~~A~~ **The** board may delegate to each school or school council the responsibility for designing its own procedures; however, the superintendent or the superintendent's designee shall periodically review the operating procedures to assure that recycling, **composting, or both are** ~~is~~ being carried out.

- (5) Each board shall include in the plan and procedures adopted under subsection (2) of this section provisions to educate students and staff regarding the district's recycling procedures, including proper sorting, contamination reduction, and the purpose of recycling.
- (6) The education required under subsection (5) of this section may be provided through reasonable means, including but not limited to signage, cafeteria procedures, school announcements, assemblies, existing courses, or other instructional materials, but shall not require the creation of a new course, graduation requirement, or statewide academic standard.
- (7) Beginning July 1, 2028, a board shall not purchase EPS trays for food service use in any board-owned and operated facilities. A board may allow any board-owned and operated facilities to use an existing inventory of EPS trays if the trays were purchased before July 1, 2028.
- (8) A local board shall be exempt from the purchasing restrictions under subsection (7) of this section if the district cannot acquire an alternative to EPS trays without incurring a negative fiscal impact.