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Office of the Governor

June 2, 2025

The Honorable Steve Yeager
Speaker of the Nevada State Assembly
401 South Carson Street
Carson City, Nevada 89701

Re: Assembly Bill 244 of the 83rd Legislative Session

Dear Speaker Yeager:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 244 ("AB 244"), which is titled as follows:

AN ACT relating to food dispensing establishments; prohibiting certain food dispensing establishments from selling, preparing, providing or transporting food or beverages using disposable foodware containers made from polystyrene foam; providing civil penalties; and providing other matters properly relating thereto.

AB 244 is problematic for several reasons. First, the bill is ambiguous regarding which businesses it applies to. Section 3 specifies that the bill targets "food dispensing establishments with 10 or more locations operating in this state," yet Section 5 removes the 10-location threshold entirely. This inconsistency could create confusion and uncertainty for businesses trying to determine whether they are subject to the bill's provisions.

Beyond this issue, the bill raises several significant policy concerns. Most notably, banning polystyrene would lead to higher costs for Nevadans. The bill would trigger at least two immediate price increases. Alternatives to polystyrene, such as biodegradable containers and paper-based products, are generally more expensive. As a result, prohibiting certain food service establishments from using polystyrene would directly raise their packaging

costs. These increased expenses would not be confined to business owners; they are often passed on to consumers, leading to higher prices for everyday goods and services.

AB 244 also raises general enforcement concerns. When the government imposes a ban on a specific product, ensuring compliance can place a considerable burden on regulatory agencies and may result in inconsistent application of the law. While the fiscal notes from local governments suggest that the financial impact of implementing AB 244 would be minimal, this perspective overlooks broader implications. Is it truly wise to redirect law enforcement officers or public health officials away from their essential duties to enforce a polystyrene ban? Alternatively, the fiscal notes could reflect a belief that the bill would apply to only a limited number of establishments, and thus the enforcement burden may be inherently low—but this would suggest that the bill itself is an unnecessary regulation that restricts consumer choice without meaningful impact.

On the issue of consumer choice, it's important to recognize that polystyrene offers practical advantages over many alternatives. It is more durable and provides superior insulation compared to other single-use containers. Take, for example, a Nevada rancher working long hours in the sun, with a soda in the cupholder of her truck. She may be far from the nearest food service establishment for most of the day. In a biodegradable paper cup, that drink would become watered down within a few hours. In contrast, a polystyrene cup could keep it colder for longer, allowing her to enjoy a still-icy, refreshing beverage later in the day. For consumers like her, the performance of polystyrene isn't a minor detail—it's a meaningful part of daily life in a demanding environment.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,



JOE LOMBARDO

Governor of Nevada

Enclosure

cc: The Honorable Stavros Anthony, President of the Senate (without enclosure)
The Honorable Nicole Cannizzaro, Senate Majority Leader (without enclosure)
The Honorable Francisco Aguilar, Secretary of State (without enclosure)
Brendan Bucy, Secretary of the Senate (without enclosure)
Bonnie Borda Hoffecker, Chief Clerk of the Assembly (without enclosure)
Diane Thornton, Legislative Counsel Bureau, Director (without enclosure)
Asher Killian, Legislative Counsel Bureau, Legislative Counsel (without enclosure)