
OLR Bill Analysis

sHB 5384

AN ACT REQUIRING THE ELIMINATION OF SINGLE-USE STYROFOAM CONTAINERS.

SUMMARY

Beginning January 1, 2021, this bill prohibits a food establishment owner or operator from providing or distributing to consumers single-use containers made of expanded polystyrene (see below). However, the bill allows owners and operators to continue using or distributing single-use containers that are (1) filled and sealed before the establishment receives them and subsequently sold to consumers (e.g., prepackaged food) or (2) used by a butcher or store to contain raw meat or seafood that is sold to a consumer.

Under the bill, an owner or operator who violates the prohibition is subject to a fine of \$250 for a first violation, \$500 for a second violation, and \$1,000 for any subsequent violation. A local health department or district or the departments of Consumer Protection (DCP), Energy and Environmental Protection (DEEP), or Public Health (DPH) may enforce the bill's prohibition. If a local health department or district enforces it, half of the fine imposed must be remitted to the municipality where the violation occurred.

Lastly, the bill requires the DCP, DEEP, and DPH commissioners to submit a report by February 1, 2022, to the General Law, Environment, and Public Health committees on the (1) prohibition's enforcement and (2) need to establish a hardship waiver for a food establishment with a demonstrated financial hardship caused by the bill's provisions.

EFFECTIVE DATE: January 1, 2021

DEFINITIONS

Food Establishment

Under the bill, a “food establishment” is an operation that does the following:

1. stores, prepares, packages, serves, or vends directly to a consumer, or otherwise provides food for human consumption, including a restaurant, caterer, food service establishment, temporary food service establishment, itinerant food vender, market, conveyance used to transport people, institution, or food bank, or
2. relinquishes possession of food to a consumer directly or indirectly through a delivery service, including home delivery of grocery orders or restaurant takeout orders or a delivery service provided by common carriers.

A “food establishment” does not include a vending machine, private residential dwelling in which food is prepared under DCP regulations, or food manufacturing establishment.

Single-use Container

“Single-use container” means a container made of expanded polystyrene that contains food provided by a food establishment to a consumer, and that the consumer usually disposes of after such use.

Expanded Polystyrene

“Expanded polystyrene” means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials using a styrene monomer and processed by any number of techniques, including fusion of polymer spheres or injection, foam, or extrusion-blown molding.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 21 Nay 8 (03/25/2019)