OLR Bill Analysis

sHB 5384 (as amended by House "B")*

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

SUMMARY

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

Under the bill, a restaurant or catering business 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.

The bill specifies that it does not prohibit the (1) manufacture of single-use containers in the state or (2) sale of such containers by a person other than a restaurant or caterer.

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 restaurant or caterer with a demonstrated financial hardship directly caused by the bill’s provisions.
House Amendment “B” (1) applies the single-use container prohibition to restaurants and caterers instead of all food establishments; (2) extends the prohibition to beverage containers as well as food containers; and (3) delays the effective date by six months from January 1, 2021, to July 1, 2021. It also specifies that the bill’s provisions do not prohibit the (1) manufacture of single-use containers in the state or (2) sale of such containers by a person other than a restaurant or caterer.

EFFECTIVE DATE: July 1, 2021

DEFINITIONS

Restaurant

Under the bill, a “restaurant” is a space in a suitable and permanent building that is kept, used, maintained, advertised, and held out to the public as a place where meals are regularly served to the public.

Caterer

A “caterer” is a business that (1) sells or distributes food and drink prepared in bulk in one location for retail service in individual portions at another location or (2) prepares or serves food in a public or private venue that is not under the caterer’s ownership or control.

Single-use Container

“Single-use container” means a container made of expanded polystyrene that contains food or beverage provided by a restaurant or caterer 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)