



House of Representatives

General Assembly

File No. 648

January Session, 2019

Substitute House Bill No. 5384

House of Representatives, April 15, 2019

The Committee on Environment reported through REP. DEMICCO, M. of the 21st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2021*) (a) For purposes of this
2 section:

3 (1) "Consumer" means any business invitee of a food establishment;

4 (2) "Food establishment" has the same meaning as provided in
5 section 19a-36g of the general statutes;

6 (3) "Expanded polystyrene" means blown polystyrene and
7 expanded and extruded foams that are thermoplastic petrochemical
8 materials utilizing a styrene monomer and processed by any number
9 of techniques including, but not limited to, fusion of polymer spheres,
10 injection molding, foam molding and extrusion-blown molding; and

11 (4) "Single-use container" means any container made of expanded
12 polystyrene intended for the containment of food provided by a food

13 establishment to a consumer and customarily disposed of by the
14 consumer after such use.

15 (b) (1) No owner or operator of a food establishment shall provide
16 or distribute a single-use container to a consumer.

17 (2) Any owner or operator who violates the provisions of this
18 section shall be fined two hundred fifty dollars for the first violation,
19 five hundred dollars for a second violation and one thousand dollars
20 for a third or any subsequent violation.

21 (c) The provisions of this section shall not be construed to prohibit
22 the provision or distribution of a single-use container that is: (1) Filled
23 and sealed prior to receipt by a food establishment and that is
24 subsequently sold to a consumer, or (2) utilized by a butcher or store to
25 contain raw meat, including, but not limited to, beef, poultry, seafood
26 or pork that is sold to a consumer.

27 (d) Any local health department or health district or agent of the
28 Departments of Public Health, Consumer Protection and Energy and
29 Environmental Protection may enforce the provisions of this section. In
30 the event of enforcement by a local health department or health
31 district, one-half of any fine imposed pursuant to this section shall be
32 remitted to the municipality where such violation occurred.

33 (e) Not later than February 1, 2022, the Commissioners of Public
34 Health, Consumer Protection and Energy and Environmental
35 Protection shall jointly submit a report, in accordance with the
36 provisions of section 11-4a of the general statutes, to the joint standing
37 committees of the General Assembly having cognizance of matters
38 relating to the environment, public health and consumer protection on
39 the enforcement of the provisions of this section and the need to
40 establish a hardship waiver from the provisions of this section for any
41 food establishment with a demonstrated financial hardship directly
42 caused by the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2021</i>	New section

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Consumer Protection, Dept.; Public Health, Dept.; Department of Energy and Environmental Protection	GF - Potential Revenue Gain	None	Less than 2,500

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 20 \$	FY 21 \$
Various Municipalities	Potential Revenue Gain	None	Less than 2,500

Explanation

Beginning January 1, 2021, the bill prohibits a food establishment owner or operator from providing or distributing to consumers single-use containers made of polystyrene under certain circumstances.

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 subsequent violations. A local health department or the Departments of Consumer Protection (DCP), Energy and Environmental Protection (DEEP), or Public Health (DPH) may enforce the bill's prohibition.

It is estimated that less than \$5,000 annually will be generated from violations of the bill's provisions. The bill requires half of any fine imposed by a municipality or health district to be kept by the

municipality where the violation occurred. The other half would be split between DCP and DEEP, beginning in FY 21.

Lastly, the bill requires DCP, DEEP, and DPH 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 certain food establishments. This has no fiscal impact, as the agencies have the expertise to produce the report.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

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)