sHB-5384
AN ACT REQUIRING THE ELIMINATION OF SINGLE-USE STYROFOAM CONTAINERS.

OFA Fiscal Note

State Impact:

<table>
<thead>
<tr>
<th>Agency Affected</th>
<th>Fund-Effect</th>
<th>FY 20 $</th>
<th>FY 21 $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consumer Protection, Dept.; Public Health, Dept.; Department of Energy and Environmental Protection</td>
<td>GF - Potential Revenue Gain</td>
<td>None</td>
<td>Less than 2,500</td>
</tr>
</tbody>
</table>

Note: GF=General Fund

Municipal Impact:

<table>
<thead>
<tr>
<th>Municipalities</th>
<th>Effect</th>
<th>FY 20 $</th>
<th>FY 21 $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Various Municipalities</td>
<td>Potential Revenue Gain</td>
<td>None</td>
<td>Less than 2,500</td>
</tr>
</tbody>
</table>

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.