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

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

Section 1. (NEW) (Effective October 1, 2019) (a) For purposes of this section:

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

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

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

(4) "Single-use container" means any container made of expanded polystyrene intended for the containment of food provided by a food establishment to a consumer and customarily disposed of by the consumer after such use.
(b) (1) No owner or operator of a food establishment shall provide
or distribute a single-use container to a consumer.

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

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

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

(e) Not later than February 1, 2020, the Commissioners of Public
Health, Consumer Protection and Energy and Environmental
Protection shall jointly submit a report, in accordance with the
provisions of section 11-4a of the general statutes, to the joint standing
committees of the General Assembly having cognizance of matters
relating to the environment, public health and consumer protection on
the enforcement of the provisions of this section and the need to
establish a hardship waiver from the provisions of this section for any
food establishment with a demonstrated financial hardship directly
caused by the provisions of this section.

This act shall take effect as follows and shall amend the following
sections:
Statement of Purpose:
To reduce litter in parks, waterways and urban centers and to create cost-savings in the recycling process.

Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.

Co-Sponsors:  REP. REYES, 75th Dist.; REP. MUSHINSKY, 85th Dist.
             REP. ELLIOTT, 88th Dist.; REP. WINKLER, 56th Dist.

H.B. 5384