



General Assembly

January Session, 2021

**Raised Bill No. 6502**

LCO No. 3323



Referred to Committee on ENVIRONMENT

Introduced by:  
(ENV)

**AN ACT CONCERNING THE USE OF CERTAIN POLYSTYRENE PRODUCTS, THE AVAILABILITY OF SINGLE-USE STRAWS, THE RELEASE OF CERTAIN BALLOONS AND THE COMPOSTABLE NATURE OF SINGLE-USE PRODUCE BAGS.**

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

1 Section 1. (NEW) (*Effective from passage*) Not later than July 1, 2022,  
2 each school district, regional school district, regional vocational  
3 technical school and constituent unit of higher education shall develop  
4 a plan for discontinuing the use in such district, school or constituent  
5 unit, as applicable, of trays made from expanded polystyrene. Such plan  
6 shall require the district, school or constituent unit, as applicable, to  
7 discontinue such use not later than July 1, 2023, and to prepare for the  
8 termination or amendment of any contract for the purchase of such trays  
9 not later than July 1, 2022. Nothing in this section shall be construed to  
10 require the development of such plan in any school district, regional  
11 school district, regional vocational technical school or constituent unit  
12 of higher education that discontinues the use of such trays in such  
13 school district, school or constituent unit prior to July 1, 2022. For  
14 purposes of this section, "expanded polystyrene" means blown

15 polystyrene and expanded and extruded foams that are thermoplastic  
16 petrochemical materials utilizing a styrene monomer and processed by  
17 any number of techniques, including, but not limited to, fusion of  
18 polymer spheres, injection molding, foam molding and extrusion-blown  
19 molding.

20 Sec. 2. (NEW) (*Effective July 1, 2023*) (a) For purposes of this section:

21 (1) "Consumer" means any business invitee of a restaurant or caterer;

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

27 (3) "Single-use container" means any container made of expanded  
28 polystyrene intended for the containment of food or beverage provided  
29 by a restaurant or caterer to a consumer and customarily disposed of by  
30 the consumer after such use;

31 (4) "Restaurant" has the same meaning as provided in subsection (b)  
32 of section 19a-342 of the general statutes; and

33 (5) "Caterer" has the same meaning as "catering food service  
34 establishment", as provided in section 19a-36g of the general statutes.

35 (b) (1) No owner or operator of a restaurant or catering business shall  
36 provide or distribute a single-use container to a consumer.

37 (2) Any owner or operator who violates the provisions of this section  
38 for a first violation shall be issued a warning. Any owner or operator  
39 who violates the provisions of this section shall be fined two hundred  
40 dollars for a second violation, five hundred dollars for a third violation  
41 and one thousand dollars for a fourth or any subsequent violation. No  
42 such owner or operator may be issued more than one violation per day.

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

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

55 (e) Not later than February 1, 2024, the Commissioners of Public  
56 Health, Consumer Protection and Energy and Environmental Protection  
57 shall jointly submit a report, in accordance with the provisions of section  
58 11-4a of the general statutes, to the joint standing committees of the  
59 General Assembly having cognizance of matters relating to the  
60 environment, public health and consumer protection on the  
61 enforcement of the provisions of this section and the need to establish a  
62 hardship waiver from the provisions of this section for any restaurant  
63 or caterer with a demonstrated financial hardship directly caused by the  
64 provisions of this section.

65 (f) Nothing in this section shall be construed to prohibit the  
66 manufacture of single-use containers in this state or the sale of such  
67 single-use containers by a person other than a restaurant or caterer.

68 Sec. 3. (NEW) (*Effective January 1, 2022*) (a) For purposes of this  
69 section:

70 (1) "Consumer" means any person who is a business invitee of a full-  
71 service restaurant;

72 (2) "Single-use plastic straw" means a single-use, disposable tube  
73 made predominantly of plastic derived from either petroleum or a

74 biologically based polymer, such as corn or other plant sources, used to  
75 transfer a beverage from a container to the mouth of the person drinking  
76 the beverage. "Single-use plastic straw" does not include a straw made  
77 from nonplastic materials, including, but not limited to, paper, pasta,  
78 sugar cane, wood, metal or bamboo.

79 (3) "Full-service restaurant" means any establishment with the  
80 primary business purpose of serving food, where food may be  
81 consumed on the premises, and where all of the following actions are  
82 taken by an employee of the establishment:

83 (A) The consumer is escorted or assigned to an assigned eating area.  
84 The employee may choose the assigned eating area or may seat the  
85 consumer according to the consumer's need for accommodation or other  
86 request;

87 (B) The consumer's food and beverage orders are taken after the  
88 consumer is seated at the assigned seating area;

89 (C) The food and beverage orders are delivered directly to the  
90 consumer;

91 (D) Any requested items associated with the consumer's food or  
92 beverage order are brought to the consumer; and

93 (E) The check for payment of such food or beverage order is delivered  
94 directly to the consumer at the assigned eating area.

95 (b) No owner or operator of a full-service restaurant shall provide a  
96 single-use plastic straw to a consumer unless requested by the  
97 consumer, except such owner or operator may provide a single-use  
98 plastic straw to any person with a disability. Nothing in this section shall  
99 be construed to require any such owner or operator who does not  
100 otherwise provide single-use plastic straws to consumers to provide  
101 consumers with such straws.

102 (c) The provisions of this section may be enforced by any municipal

103 health department or district department of health that has jurisdiction  
104 over the subject full-service restaurant. The owner or operator of a full-  
105 service restaurant that violates the provisions of this section shall be  
106 issued a warning for the first and second violations of the provisions of  
107 this section. Any such owner or operator who violates the provisions of  
108 this section on a third or subsequent occasion shall be fined twenty-five  
109 dollars for each day such full-service restaurant is in violation provided  
110 such fines shall not exceed three hundred dollars in any year.

111 (d) Nothing in this section shall be construed to prevent any  
112 municipality from adopting and implementing an ordinance or rule that  
113 would further restrict an owner or operator of a full-service restaurant  
114 from providing a single-use plastic straw to a consumer, provided no  
115 such ordinance or rule shall prohibit any such owner or operator from  
116 providing a single-use plastic straw to a person with a disability.

117 Sec. 4. Section 26-25c of the general statutes is repealed and the  
118 following is substituted in lieu thereof (*Effective October 1, 2021*):

119 (a) No person, nonprofit organization, firm or corporation, including  
120 the state and its political subdivisions, shall knowingly release, organize  
121 the release of or intentionally cause to be released into the atmosphere  
122 [within a twenty-four-hour period ten or more] helium or other lighter-  
123 than-air gas balloons in the state.

124 (b) Any violation of subsection (a) of this section shall be an  
125 infraction.

126 Sec. 5. (NEW) (*Effective from passage*) (a) On or before September 1,  
127 2021, the Commissioner of Energy and Environmental Protection shall  
128 accept an application on behalf of a manufacturer of a single-use  
129 produce bag for the performance of a study, at the request of said  
130 commissioner, by the Connecticut Academy of Science and Engineering  
131 to determine if a compostable single-use produce bag is available for use  
132 that does not adversely impact the environment, including the land, air  
133 and waters of the state. Any such application shall require the

134 manufacturer of such single-use produce bag to disclose the chemical  
135 constituents or composition of such bag. Upon receipt of any such  
136 application, in a format as prescribed by the commissioner, the  
137 commissioner shall request the Connecticut Academy of Science and  
138 Engineering to perform such study. Said academy may establish a fee  
139 for the performance of such study and such fee shall be remitted by the  
140 applicant to the Department of Energy and Environmental Protection.  
141 Upon receipt of such request and such fee from the commissioner, said  
142 academy shall commence such study. Such study shall, at a minimum,  
143 consist of: (1) A study committee appointed by said academy to oversee  
144 such study, (2) the use of an academy-selected research team with  
145 expertise in matters relating to compostable single-use produce bags to  
146 conduct relevant research for such study, including, but not limited to,  
147 the percentage of decomposition and the length of time for such  
148 decomposition, and to author a study report, and (3) study committee  
149 meetings that afford the opportunity for such applicant, department  
150 and interested persons to obtain information concerning the study's  
151 process. The academy shall complete any such study and issue a final  
152 study report for such study to the commissioner not later than January  
153 15, 2022. Upon receipt of such final study report, the commissioner shall  
154 review such final study report and, not later than February 1, 2022,  
155 forward such final study report and any recommendations of said  
156 academy for legislation concerning the use of compostable single-use  
157 produce bags to the joint standing committee of the General Assembly  
158 having cognizance of matters relating to the environment. For the  
159 purposes of this section, "single-use produce bag" means a bag provided  
160 by a store, as defined in section 22a-246a of the general statutes, to  
161 contain meat, seafood, loose produce or other unwrapped food items.

162 (b) Any information or materials submitted by an applicant to the  
163 Department of Energy and Environmental Protection or the Connecticut  
164 Academy of Science and Engineering in connection with the  
165 performance of the study described in subsection (a) of this section shall  
166 not be subject to disclosure pursuant to chapter 14 of the general statutes  
167 provided such applicant indicates to the department or academy, at the

168 time of submission, information or materials that such applicant deems  
169 a trade secret or privileged in any manner.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>July 1, 2023</i>	New section
Sec. 3	<i>January 1, 2022</i>	New section
Sec. 4	<i>October 1, 2021</i>	26-25c
Sec. 5	<i>from passage</i>	New section

**ENV**      *Joint Favorable*