

---

## OLR Bill Analysis

### sHB 6606

#### ***AN ACT CONCERNING THE USE OF CERTAIN PRODUCTS MADE FROM POLYSTYRENE.***

#### **SUMMARY**

This bill requires certain schools to phase out the use of expanded polystyrene trays by July 1, 2025. It applies to local school districts; regional school districts; regional vocational technical schools; and the higher education constituent units, which include UConn (all campuses) and the Connecticut State Colleges and Universities (four state universities, 12 community colleges, and Charter Oak State College) (CGS § 10a-1).

The bill also prohibits restaurants and caterers from giving out single-use expanded polystyrene food and beverage containers to customers beginning July 1, 2024. But its provisions do not (1) preempt a more restrictive municipal ordinance or (2) prohibit manufacturing or selling single-use expanded polystyrene containers in the state by an entity that is not a restaurant or caterer.

By February 1, 2025, the commissioners of the departments of Public Health (DPH), Consumer Protection (DCP), and Energy and Environmental Protection (DEEP) must jointly submit a report to the Public Health, General Law, and Environment committees on the ban's enforcement and the need to establish a hardship waiver for any restaurant or caterer with a demonstrated financial hardship directly caused by the law.

Under the bill, "expanded polystyrene" is blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials using a styrene monomer and processed by any number of techniques, including fusing polymer spheres and injection, foam, or extrusion molding.

EFFECTIVE DATE: Upon passage, except the provisions applicable to restaurants and caterers are effective July 1, 2024.

### **§ 1 — EXPANDED POLYSTYRENE TRAYS IN SCHOOLS**

The bill does the following related to polystyrene trays in schools:

1. requires each local school district, regional school district, regional vocational technical school, and higher education constituent unit to develop a plan by July 1, 2024, to stop using expanded polystyrene trays;
2. calls for the plans to require the districts, schools, and constituent units to (a) discontinue use of the trays by July 1, 2025, and (b) prepare to end or amend any purchasing contracts for the trays by July 1, 2024; and
3. exempts a district or school that stops using these trays before July 1, 2024, from having to develop a plan.

### **§ 2 — SINGLE-USE EXPANDED POLYSTYRENE CONTAINERS FROM RESTAURANTS AND CATERERS**

#### ***Prohibition***

Beginning July 1, 2024, the bill bans restaurants and caterers from providing or giving single-use expanded polystyrene food and beverage containers to customers. It exempts from the ban containers that (1) are filled and sealed before being received by a restaurant or caterer and then sold to customers or (2) a butcher or store uses to hold raw meat sold to customers. The bill also specifies that the ban does not apply to a patient care units in a chronic disease hospital or rehabilitation facility.

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 sold to the public (CGS § 19a-342). A “caterer” is a business involved in (1) selling or distributing food or drink prepared in bulk in one location for retail service in another or (2) preparing and serving food in a venue that is not under the caterer’s control (CGS § 19a-36g).

***Penalties and Enforcement***

The bill requires that the owner or operator of a restaurant or caterer that violates the ban get a warning for a first violation, \$200 fine for a second violation, \$500 fine for a third violation, and \$1,000 fine for each subsequent violation. A restaurant or caterer may only be issued one violation per day.

Under the bill, DPH, DCP, DEEP, or a local health department or health district may enforce the ban. If a local health department or health district enforces it, then half of the imposed fine must go to the municipality where the violation occurred.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 21 Nay 11 (03/03/2023)