



# House of Representatives

General Assembly

**File No. 158**

January Session, 2023

Substitute House Bill No. 6606

*House of Representatives, March 22, 2023*

The Committee on Environment reported through REP. GRESKO of the 121st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

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, 2024,  
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, 2025, and to prepare for the  
8 termination or amendment of any contract for the purchase of such trays  
9 not later than July 1, 2024. 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, 2024. 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, 2024*) (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 a food or beverage  
29 provided by a restaurant or caterer to a consumer and customarily  
30 disposed of by 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 caterer shall provide  
36 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, 2025, 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 (g) Nothing in this section shall be construed to preempt any  
69 municipal ordinance that is more restrictive than the provisions of this  
70 section concerning the provision or distribution of a single-use container  
71 by an owner or operator of a restaurant or caterer to a consumer.

72 (h) The provisions of subsection (b) of this section shall not be  
73 construed to apply to any patient care unit in a chronic disease hospital  
74 or rehabilitation facility.

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, 2024</i>	New section

**Statement of Legislative Commissioners:**

In Sections 2(b)(1) and 2(g), "catering business" was changed to "caterer" for consistency with the defined term.

**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 24 \$	FY 25 \$	The Out Years
Resources of the General Fund	GF - Revenue Gain	None	Less than \$5,000	Less than \$5,000
Technical Education and Career System	GF - Cost	None	None	See Below

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 24 \$	FY 25 \$	The Out Years
Various Municipalities	Revenue Gain	None	Less than \$5,000	Less than \$5,000
Local and Regional School Districts	STATE MANDATE <sup>1</sup> - Cost	None	None	\$2.0 million to \$2.8 million

**Explanation**

The bill results in costs, beginning in FY 26, to local and regional school districts, including the Connecticut Technical Education and Career System, associated with discontinuing the use of polystyrene food containers by July 1, 2025. The bill also results in a potential revenue gain of less than \$5,000 annually beginning in FY 25 to various municipalities and the General Fund, associated with fines from

<sup>1</sup> State mandate is defined in Sec. 2-32b(2) of the Connecticut General Statutes, "state mandate" means any state initiated constitutional, statutory or executive action that requires a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

violations of the bill's ban on restaurants and caterers using such containers.

Cumulative costs to local and regional school districts associated with the discontinuance of polystyrene food containers are estimated to range from \$2 million to \$2.8 million, beginning in FY 26. The cost per district will vary by the size of the district, the number of trays used, and the provisions of each district's vendor contracts.

It is estimated that replacing polystyrene trays with trays made of recycled materials results in an increased cost of \$18 to \$25 for each case of 500 trays. Connecticut public schools provide 46 million lunches and 18 million breakfasts annually. While the bill does not specifically state that districts must use trays made of recycled materials, it is the most common replacement of polystyrene trays. Assuming that a tray is used for each lunch, the additional statewide cost for purchasing lunch trays made of recycled materials is approximately \$1.7 million to \$2.3 million. Assuming 50% of breakfast meals are served with a tray, the statewide cost for breakfast trays is between \$324,000 and \$450,000. The cost to each district for purchasing replacement trays will vary.

A small district serving approximately 350,000 meals will incur annual additional costs of approximately \$10,800 to \$15,000. A medium sized district serving 1.8 million meals will incur annual costs of approximately \$55,600 to \$77,300. Larger districts serving 2.5 million meals will incur annual costs of \$77,300 to \$107,400.

If a district instead purchases reusable plastic trays to replace all polystyrene trays, a more significant cost results. It is estimated that reusable plastic trays average \$10-\$12 per tray. In addition to the larger one-time cost of purchasing the trays, districts would incur additional ongoing, significant costs related to staff, dishwashing equipment, plumbing, electrical, and maintenance costs.

Lastly, the bill results in a potential, minimal revenue gain, beginning in FY 25, to the General Fund and to municipalities by prohibiting restaurants or caterers from providing single-use expanded polystyrene

food and beverage containers to customers. It creates a graduated set of penalties for violations of the bill's provisions and allows local health districts or departments, in addition to the Departments of Consumer Protection, Health, and Energy and Environmental Protection to enforce the ban. It is estimated that less than \$5,000 will be generated annually from violations of the bill's provisions.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to the extent of tray use among school districts and subject to the number of fines issued for violation of the bill's provisions.

**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)