



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

Statement of Purpose:

To phase out the use of certain polystyrene trays and food containers, prohibit the automatic distribution of single-use plastic straws at certain eating establishments, prohibit the intentional release of certain helium balloons and examine the compostable nature of certain single-use produce bags. .

[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.]