
OLR Bill Analysis

sSB 118 (File 66, as amended by Senate "A")*

AN ACT CONCERNING THE USE OF CERTAIN POLYSTYRENE PRODUCTS.

SUMMARY

This bill requires certain schools to phase out the use of expanded polystyrene trays by July 1, 2024. It applies to local school districts; regional school districts; regional vocational technical schools; and the constituent units of higher education, 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 catering businesses from providing or distributing 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.

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.

*Senate Amendment “A” specifies that the ban on restaurants and catering businesses distributing certain expanded polystyrene containers does not apply to a patient care unit in a hospital or rehabilitation facility.

EFFECTIVE DATE: Upon passage, except the provisions for restaurants and catering businesses are effective July 1, 2024.

EXPANDED POLYSTYRENE TRAYS IN SCHOOLS

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

1. requires each local school district, regional school district, regional vocational technical school, and constituent unit of higher education to develop a plan by July 1, 2023, to discontinue the use of 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, 2024, and (b) prepare to end or amend any purchasing contracts for the trays by July 1, 2023; and
3. exempts a district or school that stops using these trays before July 1, 2023, from having to develop a plan.

SINGLE-USE EXPANDED POLYSTYRENE CONTAINERS FOR RESTAURANTS AND CATERERS

Prohibition

Beginning July 1, 2024, the bill bans restaurants and caterers from providing or distributing single-use expanded polystyrene food and beverage containers to customers. It exempts from the ban containers (1) filled and sealed before being received by a restaurant or caterer that are sold to customers or (2) used by a butcher or store to hold raw meat. The bill also specifies that the ban does not apply to a patient care unit in a 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 location 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 receive a warning for a first violation, \$200 fine for

a second violation, \$500 fine for a third violation, and \$1,000 fine for every subsequent violation. A restaurant or caterer may only be issued one violation per day.

Under the bill, a local health department or health district, or the departments of Public Health (DPH), Consumer Protection (DCP), or the Energy and Environmental Protection (DEEP) may enforce the ban. If a local health department or health district enforces it, then half of the imposed fine goes to the municipality where the violation occurred.

Required Report

By February 1, 2025, the DPH, DCP, and DEEP commissioners must jointly submit a report to the Public Health, General Law, and Environment committees on the law'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.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 21 Nay 10 (03/04/2022)