



General Assembly

Substitute Bill No. 118

February Session, 2022



AN ACT CONCERNING THE USE OF CERTAIN POLYSTYRENE PRODUCTS.

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, 2023,
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, 2024, and to prepare for the
8 termination or amendment of any contract for the purchase of such trays
9 not later than July 1, 2023. 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, 2023. 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 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 Department of Public Health, Consumer Protection or 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 catering business to a
72 consumer.

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

ENV Joint Favorable Subst.