
OLR Bill Analysis

HB 6502

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.

SUMMARY

This bill:

1. requires the phase out of expanded polystyrene trays in certain schools;
2. prohibits restaurants and catering businesses from distributing single-use expanded polystyrene food and beverage containers to customers, beginning July 1, 2023;
3. prohibits full-service restaurants from providing a customer a single-use plastic straw unless the customer requests it, beginning January 1, 2022;
4. prohibits intentional releases of helium balloons, beginning October 1, 2021; and
5. requires the Department of Energy and Environmental Protection (DEEP) commissioner to ask the Connecticut Academy of Science and Engineering (CASE) to study whether a compostable single-use produce bag is available for use that does not adversely affect the environment.

Under the bill, CASE must complete the study and report its findings to the DEEP commissioner by January 15, 2022. The commissioner must then review the report and forward it and CASE's legislative recommendations, if any, to the Environment Committee by February 1, 2022.

EFFECTIVE DATE: Upon passage, except the provision on (1) helium balloons is effective October 1, 2021; (2) single-use plastic straws is effective January 1, 2022; and (3) single-use polystyrene containers is effective July 1, 2023.

§ 1 — EXPANDED POLYSTYRENE TRAYS IN SCHOOLS

The bill:

1. requires each school district, regional school district, regional vocational technical school, and constituent unit of higher education to develop a plan by July 1, 2022, to discontinue use of expanded polystyrene trays;
2. calls for the plans to require (a) discontinuing use of the trays by July 1, 2023, and (b) preparing to end or amend any purchasing contracts for the trays by July 1, 2022; and
3. exempts a district or school that stops using these trays before July 1, 2022, from having to develop a plan.

The “constituent units of higher education” are UConn (all campuses) and the Connecticut State Colleges and Universities (four state universities, 12 community colleges, and Charter Oak State College)(CGS § 10a-1).

Under the bill, “expanded polystyrene” means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques, including fusion of polymer spheres and injection, foam, or extrusion molding.

§ 2 — SINGLE-USE POLYSTYRENE CONTAINERS

Beginning July 1, 2023, 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 or (2) used by a butcher or store to hold raw meat.

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. 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.

The owner or operator of a restaurant or caterer that violates the ban must receive a warning for a first violation, \$250 fine for a second violation, \$500 fine for a third violation, and \$1,000 fine for a subsequent violation. A restaurant or caterer can only be issued one violation per day.

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

The bill states that it does not prohibit manufacturing single-use expanded polystyrene containers in the state or their sale by someone other than restaurants and caterers.

By February 1, 2024, the DPH, DCP, and DEEP commissioners must jointly submit a report to the Environment, Public Health, and General Law 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.

§ 3 — SINGLE-USE PLASTIC STRAWS

Beginning January 1, 2022, the bill prohibits a full-service restaurant owner or operator from providing a customer a single-use plastic straw unless the customer requests one. However, it allows the owner or operator to provide a single-use plastic straw to someone with a disability. The bill specifies that it does not require an owner or operator who does not otherwise provide these straws to do so.

Under the bill, an owner or operator who violates the bill's provisions must be issued a warning for a first or second violation and a fine for a third or subsequent violation. The fine is \$25 for each day of violation, up to \$300 in a year. A municipal or district health department with jurisdiction over the restaurant may enforce the bill's provisions.

The bill states that it does not prevent a municipality from adopting and implementing an ordinance or rule further restricting a full-service restaurant from providing customers single-use plastic straws. But the ordinance or rule cannot prohibit a restaurant from providing a single-use plastic straw to someone with a disability.

Full-Service Restaurant Defined

Under the bill, a “full-service restaurant” is an establishment that primarily serves food that may be consumed on site and where an employee does the following:

1. escorts and seats the customer,
2. takes the customer’s food and beverage order after the customer is seated,
3. delivers the order and any requested related items to the customer, and
4. brings the check for the order to the customer’s table.

§ 4 — HELIUM BALLOONS

Beginning October 1, 2021, the bill prohibits knowingly releasing, organizing the release of, or intentionally causing the release of helium or lighter-than-air gas balloons into the atmosphere. Current law limits releases to fewer than 10 balloons within a 24-hour period. A violation of the ban is an infraction.

§ 5 — SINGLE-USE PRODUCE BAG STUDY

By September 1, 2021, the bill requires the DEEP commissioner to accept an application on behalf of a single-use produce bag

manufacturer for a study at the commissioner's request by CASE. The study must determine whether a compostable single-use produce bag is available for use that does not adversely impact the environment. A "single-use produce bag" is a bag provided by a store to contain meat, seafood, loose produce, or other unwrapped food items.

Under the bill, the application must (1) require the manufacturer to disclose the bag's chemical parts or composition and (2) be in a form the commissioner prescribes.

The commissioner must ask CASE to perform the study once she receives the application. CASE may establish a fee for the study, which the manufacturer must pay through DEEP. After it receives the request and fee from the commissioner, CASE must begin the study, which must include:

1. a CASE-appointed study committee to oversee it;
2. a CASE-selected research team with compostable single-use produce bag expertise to (a) conduct relevant research, including the bag's decomposition percentage and duration, and (b) author a study report; and
3. study committee meetings that allow the applicant, DEEP, and interested people to obtain information about the study.

The bill requires CASE to complete the study and issue the final study report to the DEEP commissioner by January 15, 2022. The commissioner must review the report and forward it and CASE's legislative recommendations, if any, to the Environment Committee by February 1, 2022.

The act exempts from disclosure under the Freedom of Information Act any study-related information or materials submitted by an applicant to DEEP or CASE that the applicant indicates at submission is a trade secret or privileged.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 22 Nay 11 (03/12/2021)