



General Assembly

February Session, 2024

Raised Bill No. 5353

LCO No. 1941



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

AN ACT CONCERNING THE GAS CYLINDER STEWARDSHIP PROGRAM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-905h of the general statutes is amended by
2 adding subsection (v) as follows (*Effective from passage*):

3 (NEW) (v) (1) A gas cylinder stewardship organization that
4 implements an approved gas cylinder stewardship plan in accordance
5 with the requirements of this section may bring a civil action against a
6 producer for damages when: (A) The plaintiff incurs more than five
7 hundred dollars in actual costs associated with administrative
8 overhead, education, collection, handling, recycling and the approved
9 disposal of the defendant producer's gas cylinders that are supplied,
10 sold or offered for sale in this state; and (B) the defendant producer or
11 the gas cylinder stewardship organization to which such defendant
12 producer belongs is not in compliance with the provisions of this
13 section.

14 (2) The Department of Energy and Environmental Protection shall
15 not be a necessary party to or be required to provide assistance or

16 otherwise participate in a civil action authorized pursuant to
17 subdivision (1) of this subsection solely due to the department's
18 regulatory responsibilities pursuant to this section, unless subject to
19 subpoena before a court exercising jurisdiction over such matter.

20 (3) A gas cylinder stewardship organization may file a civil action
21 pursuant to subdivision (1) of this subsection regardless of whether such
22 organization petitioned the department concerning a noncompliant
23 producer or gas cylinder stewardship organization.

24 (4) For the purposes of this subsection, "damages" means: (A) The
25 actual costs a plaintiff gas cylinder stewardship organization incurs in
26 administrative overhead, education, collection, handling, recycling or
27 the approved disposal of gas cylinders that are reasonably identified as
28 originating from another gas cylinder producer or gas cylinder
29 stewardship organization; and (B) the costs and attorney's fees
30 associated with bringing a civil action pursuant to subdivision (1) of this
31 subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-905h(v)

Statement of Purpose:

To provide a gas cylinder stewardship organization with the right to institute a civil suit against noncompliant producers when certain costs are incurred by the organization.

[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.]