



# House of Representatives

General Assembly

**File No. 552**

January Session, 2019

Substitute House Bill No. 5385

*House of Representatives, April 9, 2019*

The Committee on Environment reported through REP. DEMICCO, M. of the 21st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT REQUIRING THE ELIMINATION OF SINGLE-USE PLASTIC STRAWS.**

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

1 Section 1. (NEW) (*Effective January 1, 2020*) (a) For purposes of this  
2 section:

3 (1) "Consumer" means any person who is a business invitee of a full  
4 service restaurant;

5 (2) "Single-use plastic straw" means a single-use, disposable tube  
6 made predominantly of plastic derived from either petroleum or a  
7 biologically based polymer, such as corn or other plant sources, used  
8 to transfer a beverage from a container to the mouth of the person  
9 drinking the beverage. "Single-use plastic straw" does not include a  
10 straw made from nonplastic materials, including, but not limited to,  
11 paper, pasta, sugar cane, wood, metal or bamboo.

12 (3) "Full-service restaurant" means any establishment with the

13 primary business purpose of serving food, where food may be  
14 consumed on the premises, and where all of the following actions are  
15 taken by an employee of the establishment:

16 (A) The consumer is escorted or assigned to an assigned eating area.  
17 The employee may choose the assigned eating area or may seat the  
18 consumer according to the consumer's need for accommodation or  
19 other request;

20 (B) The consumer's food and beverage orders are taken after the  
21 consumer is seated at the assigned seating area;

22 (C) The food and beverage orders are delivered directly to the  
23 consumer;

24 (D) Any requested items associated with the consumer's food or  
25 beverage order are brought to the consumer; and

26 (E) The check for payment of such food or beverage order is  
27 delivered directly to the consumer at the assigned eating area.

28 (b) No owner or operator of a full-service restaurant shall provide a  
29 single-use plastic straw to a consumer unless requested by the  
30 consumer, provided such owner or operator shall provide a single-use  
31 plastic straw upon request to any person with a disability.

32 (c) The provisions of this section may be enforced by any municipal  
33 health department or district department of health that has jurisdiction  
34 over the subject full-service restaurant. The owner or operator of a full-  
35 service restaurant that violates the provisions of this section shall be  
36 issued a warning for the first and second violations of the provisions of  
37 this section. Any such owner or operator who violates the provisions  
38 of this section on a third or subsequent occasion shall be fined twenty-  
39 five dollars for each day such full-service restaurant is in violation  
40 provided such fines shall not exceed three hundred dollars in any year.

41 (d) Nothing in this section shall be construed to prevent any  
42 municipality from adopting and implementing an ordinance or rule

43 that would further restrict an owner or operator of a full-service  
44 restaurant from providing a single-use plastic straw to a consumer,  
45 provided no such ordinance or rule shall prohibit any such owner or  
46 operator from providing a single-use plastic straw to a person with a  
47 disability.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2020</i>	New section

**ENV**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

Municipalities	Effect	FY 20 \$	FY 21 \$
Various Municipalities	Potential Revenue Gain	Less than \$2,000	Less than \$2,000

**Explanation**

There is a potential revenue gain to municipalities resulting from the bill, which prohibits a full service restaurant from providing customer plastic straws unless the customer requests one. Violating the provisions of the bill results in a \$25 fine per day (with a maximum annual violation of \$300) if enforced. To the extent that municipalities choose to enforce violations, it is expected that any revenue gain would be less than \$2,000 annually.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of fines levied.

**OLR Bill Analysis****sHB 5385*****AN ACT REQUIRING THE ELIMINATION OF SINGLE-USE PLASTIC STRAWS.*****SUMMARY**

This bill prohibits the owner or operator of a full-service restaurant from providing a customer a single-use plastic straw unless the customer requests one. It explicitly requires the owner or operator to provide a single-use plastic straw to a person with a disability upon request.

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 fined for a third or subsequent violation. The fine is \$25 for each day of violation, up to \$300 annually. A municipal health department or district health department with jurisdiction over the restaurant may enforce the bill's provisions.

Lastly, the bill states that it does not prevent a municipality from adopting and implementing an ordinance or rule to further restrict a full-service restaurant from providing customers single-use plastic straws. However, a municipal ordinance or rule cannot prohibit a restaurant owner or operator from providing a single-use plastic straw to a person with a disability.

EFFECTIVE DATE: January 1, 2020

**DEFINITIONS*****Full-service Restaurant***

Under the bill, a "full-service restaurant" is an establishment that primarily serves food that may be consumed on the premises and where employees take all of the following actions:

1. escort or assign the customer to an assigned eating area,
2. take the customer's food and beverage order after he or she is seated,
3. deliver the order and any requested items directly to the customer, and
4. deliver the check directly to the customer at his or her assigned seating area.

**Single-use Plastic Straw**

Under the bill, a "single-use plastic straw" is a single-use, disposable tube made mostly of plastic derived from either petroleum or a biologically based polymer that is used to transfer beverage from a container to a person's mouth. It does not include a straw made from non-plastic materials, including paper, pasta, sugar cane, wood, metal, or bamboo.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 22 Nay 6 (03/18/2019)