



General Assembly

January Session, 2019

Committee Bill No. 5385

LCO No. 5033



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

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 October 1, 2019*) (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.

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

40 (d) Nothing in this section shall be construed to prevent any
41 municipality from adopting and implementing an ordinance or rule
42 that would further restrict an owner or operator of a full-service
43 restaurant from providing a single-use plastic straw to a consumer.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | October 1, 2019 | New section |

Statement of Purpose:

To reduce litter in parks, waterways and urban areas and to create cost savings in the recycling process.

[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.]

Co-Sponsors: REP. REYES, 75th Dist.; REP. DIMASSA, 116th Dist.
REP. WINKLER, 56th Dist.; REP. MCCARTHY VAHEY, 133rd Dist.

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