



General Assembly

**Substitute Bill No. 5385**

January Session, 2019



**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
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**ENV**      *Joint Favorable Subst.*