



General Assembly

Amendment

January Session, 2019

LCO No. 9518



Offered by:

REP. DEMICCO, 21st Dist.

REP. GRESKO, 121st Dist.

To: Subst. House Bill No. 5385

File No. 552

Cal. No. 334

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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

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

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

14 (3) "Full-service restaurant" means any establishment with the
15 primary business purpose of serving food, where food may be
16 consumed on the premises, and where all of the following actions are
17 taken by an employee of the establishment:

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

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

24 (C) The food and beverage orders are delivered directly to the
25 consumer;

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

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

30 (b) No owner or operator of a full-service restaurant shall provide a
31 single-use plastic straw to a consumer unless requested by the
32 consumer, or upon response to an inquiry by a server, except such
33 owner or operator may provide a single-use plastic straw to any
34 person with a disability. Nothing in this section shall be construed to
35 require any such owner or operator who does not otherwise provide
36 single-use plastic straws to consumers to provide consumers with such
37 straws.

38 (c) The provisions of this section may be enforced by any municipal
39 health department or district department of health that has jurisdiction
40 over the subject full-service restaurant. The owner or operator of a full-
41 service restaurant that violates the provisions of this section shall be
42 issued a warning for the first and second violations of the provisions of
43 this section. Any such owner or operator who violates the provisions

44 of this section on a third or subsequent occasion shall be fined twenty-
 45 five dollars for each day such full-service restaurant is in violation
 46 provided such fines shall not exceed three hundred dollars in any year.

47 (d) Nothing in this section shall be construed to prevent any
 48 municipality from adopting and implementing an ordinance or rule
 49 that would further restrict an owner or operator of a full-service
 50 restaurant from providing a single-use plastic straw to a consumer,
 51 provided no such ordinance or rule shall prohibit any such owner or
 52 operator from providing a single-use plastic straw to a person with a
 53 disability."

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