



General Assembly

January Session, 2019

Amendment

LCO No. 10211



Offered by:
REP. DEMICCO, 21st 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, except such owner or operator may provide a single-use
33 plastic straw to any person with a disability. Nothing in this section
34 shall be construed to require any such owner or operator who does not
35 otherwise provide single-use plastic straws to consumers to provide
36 consumers with such straws.

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

44 five dollars for each day such full-service restaurant is in violation
 45 provided such fines shall not exceed three hundred dollars in any year.
 46 Any such owner or operator may appeal such fine in accordance with
 47 the administrative procedures established by the issuing agency.

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

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