



General Assembly

January Session, 2019

**Amendment**

LCO No. 10656



Offered by:  
REP. GRESKO, 121<sup>st</sup> 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 who indicates that such a  
34 straw is necessary for such person to consume liquids or if the  
35 caregiver for such person makes such an indication. Nothing in this  
36 section shall be construed to require any such owner or operator who  
37 does not otherwise provide single-use plastic straws to consumers to  
38 provide consumers with such straws.

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

44 this section. Any such owner or operator who violates the provisions  
 45 of this section on a third or subsequent occasion shall be fined twenty-  
 46 five dollars for each day such full-service restaurant is in violation  
 47 provided such fines shall not exceed three hundred dollars in any year.  
 48 Any such owner or operator may appeal any such violation in  
 49 accordance with the administrative procedures of the agency that  
 50 issues such violation.

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

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