

Plastic Straw Bans That Accommodate Individuals with Disabilities

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Issue

Provide examples of how other states and countries that ban, or propose to ban, single-use plastic straws accommodate the needs of individuals with disabilities.

Summary

California bans plastic straws in full-service restaurants, but allows a customer to receive one upon request. Vermont enacted a plastic straw ban in 2019 that takes effect July 1, 2020. Like California's law, it allows a customer to receive a straw upon request, and it exempts certain medical facilities from the ban.

In 2019, New York and Washington each proposed, but did not enact, plastic straw bans that would have allowed individuals with disabilities to receive them upon request.

The European Union (EU) recently adopted a directive to ban certain single-use plastic products, including plastic straws, beginning in July 2021. EU member states must each approve the ban before it takes effect. England, which is part of the EU but due to leave it this year, intends to ban plastic straws in April 2020. England's ban provides exemptions for people with accessibility or medical needs.

Other States

Enacted Bans: California and Vermont

California was the first U.S. state to ban full-service restaurants from distributing plastic straws. However, the law allows a restaurant to provide a plastic straw to a customer upon request, unless prohibited by an applicable local ordinance or rule. The ban took effect January 1, 2019 ([Cal. Pub. Res. Code §§ 42270 & 42271](#)).

Vermont generally bans food service establishments from providing plastic straws to customers beginning July 1, 2020 ([VT Laws No. 69 \(S. 113\)](#)). The law allows an establishment to provide a plastic straw to a customer upon request.

Vermont's ban does not, however, apply to a hospital, independent living facility, nursing home, residential care home, assisted living residence, home for the terminally ill, or therapeutic community. The law also specifies that it does not alter existing requirements for a place of public accommodation to provide services to individuals with disabilities.

Proposed Bans: New York and Washington

In 2019, New York and Washington considered bills to prohibit plastic straws.

New York considered two such proposals. Under [AB 90](#), restaurants, including full-service and fast-food establishments, could distribute plastic straws to customers only when a customer (1) explicitly requests one or (2) selects one from a self-service dispenser.

[AB 4321](#) generally would have prohibited state- and municipal-operated food service establishments from offering customers single-use straws that are made of plastic or any other non-biodegradable material. However, it would have allowed the establishments to provide plastic straws to anyone who requires one due to a disability or medical condition.

Washington's plastic straw legislation would have prohibited food service establishments from providing a plastic straw to a customer unless the customer requested it ([Substitute SB 5077](#)). It also explicitly required food service establishments to provide a plastic straw upon request to persons with disabilities, noting that "a straw is an adaptive utensil that may provide basic accommodation for persons with disabilities to eat and drink."

Other Countries

European Union

The EU Parliament and Council recently adopted a directive to generally ban plastic straws and other single-use plastic products by July 3, 2021 (Article 5, [Directive \(EU\) 2019/904](#)). Each EU member state must approve the ban before it takes effect. With respect to straws, the Directive appears to generally exempt medical devices from the ban.

England

England, part of the United Kingdom (UK) which voted in 2016 to leave the EU (i.e., “Brexit”) but is currently still an EU member state, recently [confirmed](#) that it intends to ban plastic straws in April 2020. (The UK is currently due to leave the EU on October 31, 2019.)

England’s ban has exemptions for individuals with disabilities. According to the “[consultation document](#)” (i.e., public comment summary and government responses) associated with the ban, plastic straws will be available for use as medical devices and for individuals with disabilities who need them to eat and drink. In addition, pharmacies will be able to sell plastic straws and restaurants will be able to provide them to customers upon request (see page 8).

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