

# STATE OF NEW YORK

8726

## IN SENATE

May 10, 2018

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, the general business law and the public health law, in relation to prohibitions on single-use plastic straws in restaurants

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The title heading of title 27 of article 27 of the environ-  
2 mental conservation law, as added by chapter 641 of the laws of 2008, is  
3 amended to read as follows:

4 PLASTIC BAG AND PLASTIC STRAW  
5 REDUCTION, REUSE AND RECYCLING

6 § 2. Section 27-2701 of the environmental conservation law is amended by  
7 adding a new subdivision 8 to read as follows:

8 8. "Restaurant" means any diner or other eating or beverage establish-  
9 ment, which offers for sale food or beverages to the public, guests,  
10 members, or patrons, where the food or beverages are customarily  
11 consumed on the premises. For purposes of this title, "restaurant" does  
12 not include a fast food establishment, bar, coffee shop, cafeteria,  
13 luncheonette, sandwich stand, short order cafe, or soda fountain.

14 § 3. The environmental conservation law is amended by adding a new  
15 section 27-2706 to read as follows:

16 § 27-2706. Single-use plastic straws.  
17 Restaurants shall only provide single-use plastic straws to customers  
18 where explicitly requested by the customer.

19 § 4. The general business law is amended by adding a new section 399-  
20 tt to read as follows:

21 § 399-tt. Single-use plastic straws. Restaurants shall only provide  
22 single-use plastic straws to customers where explicitly requested by the  
23 customer pursuant to title twenty-seven of article twenty-seven of the  
24 environmental conservation law.

25 § 5. Subdivision 2 of section 1352 of the public health law is amended  
26 to read as follows:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD14988-01-8

1     2. It shall be unlawful to furnish or serve in any public eating or  
2 drinking establishment, any straw, tube or similar device for drinking  
3 out of glasses, cups or containers of any type unless such straw, tube  
4 or similar device conforms to and is furnished or served in accordance  
5 with title twenty-seven of article twenty-seven of the environmental  
6 conservation law and the following requirements: When offered for use,  
7 it shall be completely enclosed in an impervious or a bactericidal wrap-  
8 per to be opened by the ultimate user; if unwrapped it may be used if it  
9 is kept in an approved sanitary dispenser loaded from the original pack-  
10 age without handling, which dispenses one such straw, tube or device at  
11 a time directly to the user and which is so constructed that the interi-  
12 or may be cleaned and kept in a sanitary condition; unused loose straws,  
13 tubes or devices already dispensed from the dispensing container shall  
14 not be used again. No single-service paper containers, paper cups, paper  
15 spoons, paper forks or paper plates shall be used a second time.

16     § 6. This act shall take effect on the one hundred twentieth day after  
17 it shall have become a law.