STATE OF NEW YORK

9994

IN ASSEMBLY

March 7, 2018

Introduced by M. of A. L. ROSENTHAL -- read once and referred 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:

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

PLASTIC BAG **AND PLASTIC STRAW**
REDUCTION, REUSE AND RECYCLING

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

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

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

§ 27-2706. Single-use plastic straws.

Restaurants shall only provide single-use plastic straws to customers where explicitly requested by the customer.

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

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

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

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

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

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