

# STATE OF NEW YORK

9994--A

## IN ASSEMBLY

March 7, 2018

Introduced by M. of A. L. ROSENTHAL, LUPARDO, SIMOTAS, JAFFEE, TAYLOR, MOSLEY, COLTON, GLICK, NIOU, GOTTFRIED, BARRON, RIVERA, SEAWRIGHT, SIMON, ORTIZ, PELLEGRINO, BLAKE, ERRIGO -- Multi-Sponsored by -- M. of A. LIFTON, THIELE -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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" shall include a fast food establishment, bar, coffee shop, cafeteria, luncheonette, or short order cafe; however, "restaurant" shall not include a sandwich stand, soda fountain, drive-through portion of a restaurant, drive-in restaurant, or any establishment or portion of a restaurant where food or beverages are customarily consumed off the premises.

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

§ 27-2706. Single-use plastic straws.

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

2. Nothing in this section shall preclude a restaurant from providing customers with non-plastic straws as an alternative to single-use plas-

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

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1 tic straws, including, but not limited to, those made from paper, sugar  
2 cane, or bamboo.

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

5 § 399-tt. Single-use plastic straws. Restaurants shall only provide  
6 single-use plastic straws to customers where explicitly requested by the  
7 customer pursuant to title twenty-seven of article twenty-seven of the  
8 environmental conservation law.

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

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

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