

# STATE OF NEW YORK

8726--A

## 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 -- 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:

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

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

19 § 27-2706. Single-use plastic straws.

20 1. Restaurants shall only provide single-use plastic straws to custom-  
21 ers where explicitly requested by the customer.

22 2. Nothing in this section shall preclude a restaurant from providing  
23 customers with non-plastic straws as an alternative to single-use plas-  
24 tic straws, including, but not limited to, those made from paper, sugar  
25 cane, or bamboo.

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

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

3 § 399-tt. Single-use plastic straws. Restaurants shall only provide  
4 single-use plastic straws to customers where explicitly requested by the  
5 customer pursuant to title twenty-seven of article twenty-seven of the  
6 environmental conservation law.

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

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

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