

STATE OF NEW YORK

8726--B

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law and the general business 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. Article 27 of the environmental conservation law is amended
2 by adding a new title 28 to read as follows:

TITLE 28

PLASTIC STRAW RESTRICTIONS

Section 27-2801. Definitions.

27-2803. Single-use plastic straws.

27-2805. Enforcement.

§ 27-2801. Definitions.

9 For the purposes of this title, "restaurant" means any diner or other
10 eating or beverage establishment, which offers for sale food or beverages
11 to the public, guests, members, or patrons, where the food or beverages
12 are customarily consumed on the premises. For purposes of this
13 title, "restaurant" shall include a fast food establishment, bar, coffee
14 shop, cafeteria, luncheonette, or short order cafe; however, "restaurant"
15 shall not include a sandwich stand, soda fountain, drive-through
16 portion of a restaurant, drive-in restaurant, or any establishment or
17 portion of a restaurant where food or beverages are customarily consumed
18 off the premises.

§ 27-2803. Single-use plastic straws.

20 1. Restaurants shall only provide single-use plastic straws to customers
21 when explicitly requested by the customer or selected by the consumer
22 from a self-service dispenser.

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

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

5 § 27-2805. Enforcement.

6 Any person who violates this title shall be liable for a civil penalty
7 in the amount of one hundred dollars for the first violation, two
8 hundred dollars for the second violation committed on a different day
9 within a period of twelve months, and four hundred dollars the the third
10 and each subsequent violation committed on different days within a peri-
11 od of twelve months, except that the department shall not issue a notice
12 of violation, but shall issue a warning and provide information on
13 compliance with such section, for any violation that occurs within one
14 year of the effective date of this section.

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

17 § 399-tt. Single-use plastic straws. Restaurants shall only provide
18 single-use plastic straws to customers where explicitly requested by the
19 customer pursuant to title twenty-eight of article twenty-seven of the
20 environmental conservation law.

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