

# 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.