

STATE OF NEW YORK

1477

2019-2020 Regular Sessions

IN SENATE

January 15, 2019

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

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:

Section 1. Article 27 of the environmental conservation law is amended 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.

For the purposes of this title, "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.

§ 27-2803. Single-use plastic straws.

1. Restaurants shall only provide single-use plastic straws to customers when explicitly requested by the customer or selected by the consumer 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.