

# STATE OF NEW YORK

1477--A

2019-2020 Regular Sessions

## IN SENATE

January 15, 2019

Introduced by Sens. HOYLMAN, KRUEGER, METZGER, SALAZAR, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- 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 and stirrers 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 30 to read as follows:

### TITLE 30

#### PLASTIC STRAW AND STIRRER RESTRICTIONS

##### Section 27-3001. Definitions.

27-3003. Single-use plastic straws and stirrers.

27-3005. Enforcement.

##### § 27-3001. 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, whether consumption occurs on or off the premises.

##### § 27-3003. Single-use plastic straws and stirrers.

1. (a) Restaurants shall only provide single-use plastic straws to customers when explicitly requested by the customer.

(b) No inquiry into the reason for the request shall be made by a food service establishment or any of its employees in carrying out the request authorized by paragraph (a) of this subdivision.

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

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1     2. Restaurants are prohibited from providing customers with single-use  
2     plastic stirrers.

3     3. (a) Nothing in this section shall preclude a restaurant from  
4     providing customers with non-plastic straws or stirrers as an alterna-  
5     tive to single-use plastic straws and stirrers, including, but not  
6     limited to, straws and/or stirrers made from paper, sugar cane, bamboo  
7     or compostable materials.

8     (b) Restaurants that provide compostable straws or stirrers to custom-  
9     ers are required to have access to curbside collection of food waste for  
10    composting.

11    4. Single-use plastic straws provided by a food service establishment,  
12    pursuant to subdivision one of this section, shall not be individually  
13    wrapped in plastic, except for prepackaged individual serving beverages  
14    where a plastic straw is included in the packaging.

15    § 27-3005. Enforcement.

16    Every local department of health shall ensure compliance with this  
17    title as part of an inspection of a food place pursuant to section thir-  
18    teen hundred fifty-one of the public health law, the provisions of the  
19    sanitary code and provisions of local ordinances or regulations. Any  
20    establishment that violates this title shall be liable for a civil  
21    penalty in the amount of two hundred dollars for the first violation,  
22    three hundred dollars for the second violation committed on a different  
23    day within a period of twelve months, and five hundred dollars for the  
24    third and each subsequent violation committed on different days within a  
25    period of twelve months, except that the local department of health  
26    shall not issue a notice of violation, but shall issue a warning and  
27    provide information on compliance with such section, for any violation  
28    that occurs within one year of the effective date of this section.

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

31    § 399-tt. Single-use plastic straws. Restaurants shall only provide  
32    single-use plastic straws to customers where explicitly requested by the  
33    customer pursuant to title thirty of article twenty-seven of the envi-  
34    ronmental conservation law.

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