

# STATE OF NEW YORK

90--A

2019-2020 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. L. ROSENTHAL, LUPARDO, SIMOTAS, JAFFEE, TAYLOR, MOSLEY, COLTON, GLICK, NIOU, GOTTFRIED, BARRON, RIVERA, SEAWRIGHT, SIMON, ORTIZ, BLAKE, D'URSO, GALEF, BARRETT, BRONSON, STECK, WEPRIN, FAHY, RAMOS, REYES, EPSTEIN, PAULIN -- Multi-Sponsored by -- M. of A. LIFTON, THIELE -- read once and referred to the Committee on Environmental Conservation -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- 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:

1 Section 1. Article 27 of the environmental conservation law is amended  
2 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.

9 For the purposes of this title, "restaurant" means any diner or other  
10 eating or beverage establishment, which offers for sale food or beverage  
11 to the public, guests, members, or patrons, whether consumption  
12 occurs on or off the premises.

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

13 1. (a) Restaurants shall only provide single-use plastic straws to  
14 customers when explicitly requested by the customer.  
15

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

LBD01864-14-0

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

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

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

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

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

18 § 27-3005. Enforcement.

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

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

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

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