

STATE OF NEW YORK

5383

2021-2022 Regular Sessions

IN ASSEMBLY

February 16, 2021

Introduced by M. of A. L. ROSENTHAL -- read once and referred 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 cutlery 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 32 to read as follows:

TITLE 32

PLASTIC CUTLERY RESTRICTIONS

Section 27-3201. Definitions.

27-3203. Single-use plastic cutlery.

27-3205. Enforcement.

§ 27-3201. 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, whether consumption
12 occurs on or off the premises.

§ 27-3203. Single-use plastic cutlery.

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

16 (b) No inquiry into the reason for the request shall be made by a
17 restaurant or any of its employees in carrying out the request author-
18 ized by paragraph (a) of this subdivision.

19 2. (a) Nothing in this section shall preclude a restaurant from
20 providing customers with non-plastic cutlery as an alternative to
21 single-use plastic cutlery, including, but not limited to, cutlery made
22 from metal, sugar cane, bamboo, wood or compostable materials.

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

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1 (b) Restaurants that provide compostable cutlery to customers are
2 required to have access to curbside collection of food waste for
3 composting.

4 3. Single-use plastic cutlery provided by a restaurant, pursuant to
5 subdivision one of this section, shall not be individually wrapped in
6 plastic.

7 § 27-3205. Enforcement.

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

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

23 § 399-tt. Single-use plastic cutlery. Restaurants shall only provide
24 single-use plastic cutlery to customers where explicitly requested by
25 the customer pursuant to title thirty-two of article twenty-seven of the
26 environmental conservation law.

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