

# STATE OF NEW YORK

8264

## IN SENATE

February 7, 2022

Introduced by Sen. MAY -- 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 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.

23 (b) Restaurants that provide compostable cutlery to customers are  
24 required to have access to curbside collection of food waste for  
25 composting.

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

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

4     § 27-3205. Enforcement.

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

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

20     § 399-tt. Single-use plastic cutlery. Restaurants shall only provide  
21     single-use plastic cutlery to customers where explicitly requested by  
22     the customer pursuant to title thirty-two of article twenty-seven of the  
23     environmental conservation law.

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