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:

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

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.

§ 27-3203. Single-use plastic cutlery.

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

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

2. (a) Nothing in this section shall preclude a restaurant from providing customers with non-plastic cutlery as an alternative to single-use plastic cutlery, including, but not limited to, cutlery made 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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(b) Restaurants that provide compostable cutlery to customers are required to have access to curbside collection of food waste for composting.

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

§ 27-3205. Enforcement.

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

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

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

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