

# STATE OF NEW YORK

1505

2021-2022 Regular Sessions

## IN SENATE

January 12, 2021

Introduced by Sens. HOYLMAN, KRUEGER, SALAZAR, SERRANO -- 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 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 31 to read as follows:

### TITLE 31

#### PLASTIC STRAW AND STIRRER RESTRICTIONS

##### Section 27-3101. Definitions.

##### 27-3103. Single-use plastic straws and stirrers.

##### 27-3105. Enforcement.

##### § 27-3101. 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 es to the public, guests, members, or patrons, whether consumption  
12 occurs on or off the premises.

##### § 27-3103. Single-use plastic straws and stirrers.

14 1. (a) Restaurants shall only provide single-use plastic straws 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. Restaurants are prohibited from providing customers with single-use  
20 plastic stirrers.

21 3. (a) Nothing in this section shall preclude a restaurant from  
22 providing customers with non-plastic straws or stirrers as an alterna-

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

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1 tive to single-use plastic straws and stirrers, including, but not  
2 limited to, straws and/or stirrers made from paper, sugar cane, bamboo  
3 or compostable materials.

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

7 4. Single-use plastic straws provided by a restaurant, pursuant to  
8 subdivision one of this section, shall not be individually wrapped in  
9 plastic, except for prepackaged individual serving beverages where a  
10 plastic straw is included in the packaging.

11 § 27-3105. Enforcement.

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

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

27 § 399-tt. Single-use plastic straws. Restaurants shall only provide  
28 single-use plastic straws to customers where explicitly requested by the  
29 customer pursuant to title thirty-one of article twenty-seven of the  
30 environmental conservation law.

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