

STATE OF NEW YORK

5899

2023-2024 Regular Sessions

IN ASSEMBLY

March 24, 2023

Introduced by M. of A. WEPRIN -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the public health law, in relation to prohibitions on single-use plastic straws in municipal and state run food service establishments

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The title heading of title 27 of article 27 of the environmental conservation law, as added by chapter 641 of the laws of 2008, is amended to read as follows:

PLASTIC BAG, AND PLASTIC STRAW

REDUCTION, REUSE AND RECYCLING

§ 2. Section 27-2701 of the environmental conservation law, as added by chapter 641 of the laws of 2008, is amended by adding seven new subdivisions 8, 9, 10, 11, 12, 13 and 14 to read as follows:

8. "Food service establishment" means any eating or beverage establishment run by the state or a municipality in the state, which offers for sale food or beverages to the public, guests, members, or patrons, where the food or beverages are customarily consumed on the premises.

9. "Beverage straw" means a tube used for transferring a beverage from its container to the mouth of a consumer.

10. "Biodegradable" means the ability of a material to break down, within one year, into natural materials in the natural environment without causing harm.

11. "Disability" means a physical, intellectual or sensory impairment that substantially limits one or more major life activities.

12. "Medical condition" means any illness, disease, disorder or injury that requires medical treatment.

13. "Plastic" means a synthetic material made from organic polymers, including, but not limited to, polypropylene and polystyrene, that can

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

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1 be molded into shape while soft, and then set into a rigid or slightly
2 elastic form.

3 14. "Single-use" means a product that is designed and intended to be
4 used only once for drinking or eating, and is generally recognized by
5 the public as an item that is to be discarded after one use.

6 § 3. Title 27 of article 27 of the environmental conservation law, as
7 added by chapter 641 of the laws of 2008, is amended by adding a new
8 section 27-2706 to read as follows:

9 § 27-2706. Single-use plastic straws.

10 1. No food service establishment run by the state or a municipality in
11 the state shall offer to consumers any single-use beverage straw made of
12 plastic or any other non-biodegradable material. Food service establish-
13 ments may provide suitable beverage straws, including those prohibited
14 by this section, to a person that requires a straw due to a disability
15 or medical condition as defined by this title.

16 2. In consultation with other state agencies, the department shall
17 conduct outreach and education to food service establishments and stores
18 to inform them of the provisions of this section and provide assistance
19 with identifying replacement material. Such outreach and education
20 shall be offered in multiple languages.

21 3. The department and the department of health shall have the authori-
22 ty to enforce the provisions of this section.

23 § 4. Subdivision 2 of section 1352 of the public health law is amended
24 to read as follows:

25 2. It shall be unlawful to furnish or serve in any public eating or
26 drinking establishment, any straw, tube or similar device for drinking
27 out of glasses, cups or containers of any type unless such straw, tube
28 or similar device conforms to and is furnished or served in accordance
29 with title twenty-seven of article twenty-seven of the environmental
30 conservation law, as added by chapter six hundred forty-one of the laws
31 of two thousand eight and the following requirements: When offered for
32 use, it shall be completely enclosed in an impervious or a bactericidal
33 wrapper to be opened by the ultimate user; if unwrapped it may be used
34 if it is kept in an approved sanitary dispenser loaded from the original
35 package without handling, which dispenses one such straw, tube or device
36 at a time directly to the user and which is so constructed that the
37 interior may be cleaned and kept in a sanitary condition; unused loose
38 straws, tubes or devices already dispensed from the dispensing container
39 shall not be used again. No single-service paper containers, paper cups,
40 paper spoons, paper forks or paper plates shall be used a second time.

41 § 5. This act shall take effect on the one hundred twentieth day after
42 it shall have become a law. Effective immediately, the addition, amend-
43 ment and/or repeal of any rule or regulation necessary for the implemen-
44 tation of this act on its effective date are authorized to be made and
45 completed on or before such effective date.