



Legislation Text

File #: Int 0936-2018, Version: *

Int. No. 936

By Council Members Espinal, Rosenthal, Grodenchik, Levine, Constantinides, Lander, Moya, Ayala, Ampry-Samuel, Rivera, Chin, Powers, Van Bramer, Torres, Koslowitz, Cohen, Gibson, Brannan, Adams, Reynoso, Gjonaj, Kallos, Dromm, Salamanca, Richards, Cabrera, Rodriguez, Holden, Vallone, Perkins, Treyger, Cornegy, Eugene, Barron, Maisel, Rose and Menchaca

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting single-use plastic beverage straws and beverage stirrers

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 13 to read as follows:

Subchapter 13. Restrictions on the Sale or Use of Certain Plastic Items

§ 20-699.7 Restrictions on providing single-use plastic beverage straws and beverage stirrers.

a. Definitions. As used in this section, the following terms have the following meanings:

Beverage straw. The term “beverage straw” means a tube used for transferring a beverage from its container to the mouth of a consumer.

Beverage stirrer. The term “beverage stirrer” means a device used by a consumer that is designed solely for the purpose of mixing liquids intended for internal human consumption.

Biodegradable. The term “biodegradable” means the ability of a material to breakdown, within one year, into natural materials in the natural environment without causing harm.

Disability. The term “disability” means a physical, intellectual or sensory impairment that substantially limits one or more major life activities.

Food service establishment. The term “food service establishment” shall have the meaning ascribed to

such term by section 81.03 of the health code of the city of New York or any successor provision.

Medical condition. The term “medical condition” means any illness, disease, disorder or injury that requires medical treatment.

Plastic. The term “plastic” means a synthetic material made from organic polymers, including, but not limited to, polypropylene and polystyrene, that can be molded into shape while soft, and then set into a rigid or slightly elastic form.

Single-use. The term “single-use” means a product that is designed and intended to be used only once for drinking or eating, and is generally recognized by the public as an item that is to be discarded after one use.

b. No food service establishment in the city shall offer to consumers any single-use beverage straw or beverage stirrer made of plastic or any other non-biodegradable material. Food service establishments may provide suitable beverage straws or beverage stirrers, including those prohibited by this section, to a person that requires a straw due to a disability or medical condition as defined by this section.

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

d. The department, the department of health and mental hygiene and the department of sanitation shall have the authority to enforce the provisions of this section.

e. Any person who violates this section or any rule promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner, the commissioner of health and mental hygiene or the commissioner of sanitation in the amount of one hundred dollars for the first violation, two hundred dollars for the second violation committed on a different day within a period of twelve months, and four hundred dollars for the third and each subsequent violation committed on different days within a period of twelve months, except that such departments shall not issue a notice of violation, but shall issue a warning and provide information on replacement material, for any violation that occurs within one year

of the effective date of this section.

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of consumer affairs, the commissioner of sanitation and the commissioner of health and mental hygiene may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

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