



Legislation Text

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Int. No. 936-A

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A Local Law to amend the administrative code of the city of New York, in relation to restricting single-use plastic beverage straws, beverage stirrers and beverage splash sticks, and to repeal chapter 4 of title 16 of such code, relating to rechargeable batteries

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 16 of the administrative code of the city of New York is REPEALED and a new chapter 4 of title 16 is added to read as follows:

Chapter 4. SINGLE-USE ITEMS

§ 16-401 Restrictions on providing single-use plastic beverage straws, beverage stirrers and beverage splash sticks.

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

Beverage splash stick. The term “beverage splash stick” means a device primarily intended to be used to keep heat and liquid from escaping a lidded cup.

Beverage stirrer. The term “beverage stirrer” means a device primarily intended to be used by a person for the purpose of stirring beverages.

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

Compostable. The term “compostable” means: (i) capable of undergoing biological breakdown in an

industrial composting process, (ii) degradable into biomass that results in a material that is safe and desirable as a soil amendment and (iii) where applicable, as set forth in rules of the department: (A) compliant with ASTM D6400, ASTM D6868 or successor standards or other applicable standards developed by ASTM or other international standards organizations that specify criteria relating to the degradation of manufactured items into safe and environmentally beneficial material and (B) approved by a third-party field testing organization that has tested the item at issue to ensure that it is degradable into biomass that results in a material that is safe and desirable as a soil amendment.

Food service establishment. The term “food service establishment” means a premises or part of a premises where food is provided directly to a person, whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle. Food service establishment shall include, but not be limited to, full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, bars, nightclubs, grocery stores, vending trucks or carts and cafeterias.

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.

Self-serve station. The term “self-serve station” means a designated area or mechanical dispenser in a food service establishment where consumers may help themselves to eating or drinking utensils such as napkins, cups, knives, forks, straws, stirrers or splash sticks.

Single-use. The term “single-use” means designed and intended to be used only once for drinking, eating or to serve a food or beverage.

b. No food service establishment in the city shall provide to any person any single-use beverage stirrer or single-use beverage splash stick made of plastic. Nothing in this chapter shall preclude food service establishments from providing compostable beverage stirrers or compostable beverage splash sticks that are not made from plastic.

c. 1. No food service establishment in the city shall provide to any person a single-use plastic beverage straw that is not compostable except upon request. Nothing in this chapter shall preclude food service establishments from providing compostable beverage straws that are not made from plastic.

2. All food service establishments shall maintain a sufficient supply of single-use plastic beverage straws that are not compostable. If a person specifically requests a plastic beverage straw, such food service establishment shall provide a single-use plastic beverage straw that is not compostable free of charge and shall make no inquiry into the reason for such request. A violation of this paragraph may also violate the reasonable accommodation provisions of title 8 of this code and be subject to enforcement by the city commission on human rights.

3. All food service establishments that have one or more self-serve stations shall display a sign at each such station that states: "Plastic straws available upon request." Such signs shall be unobstructed in their entirety. Such signs must be at least two inches by seven inches, in no less than 20 point font. A sample sign that satisfies the requirements of this paragraph shall be made available in a downloadable format on the department's website.

d. Notwithstanding subdivision c of this section, food service establishments may provide compostable beverage straws that are made from plastic upon request only if such straws are used by persons on such food service establishments' premises and such food service establishments dispose of all such straws through a commercial composting provider or in accordance with paragraph 1 of subdivision c of section 16-306.1 if such establishments are covered establishments pursuant to such section. Food service establishments that are not covered under section 16-306.1 that provide compostable beverage straws that are made of plastic pursuant to this subdivision shall maintain distinct and clearly labeled bins indicating where such compostable beverage straws that are made from plastic are to be separated for purposes of disposal.

e. This section does not apply to single-use beverage straws, beverage stirrers or beverage splash sticks that are packaged in bulk by a manufacturer and offered for retail sale. This section does not apply to pre-

packaged beverage straws attached to individual beverage boxes, including but not limited to juice boxes, by the beverage manufacturer.

f. In consultation with other city agencies, the department shall conduct outreach and education about the requirements of this section. Such outreach and education shall be offered in multiple languages and shall employ best practices for accessibility for people with disabilities. Additionally, the department shall provide information about available compostable single-use beverage splash sticks, beverage stirrers and beverage straws on its website.

g. The department, the department of health and mental hygiene and the department of consumer and worker protection shall have the authority to enforce the provisions of this section.

h. 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 consumer and worker protection, or in a proceeding before the office of administrative trials and hearings, pursuant to section 1049-a of the charter, or in the case of a food service establishment within the jurisdiction of the commissioner of health and mental hygiene or the commissioner of consumer and worker protection, in a proceeding before the office of administrative trials and hearings pursuant to section 1048 of the charter. Such penalties shall be 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 for any first violation that occurs before November 1, 2022.

§ 2. This local law takes effect on November 1, 2021, except that the commissioner of sanitation, the commissioner of consumer and worker protection 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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