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**ENGROSSED SUBSTITUTE SENATE BILL 5077**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senate Environment, Energy & Technology (originally sponsored by Senators Kuderer, Darneille, Palumbo, Hunt, and Pedersen)

AN ACT Relating to restricting single-use plastic straws at food service establishments; adding a new chapter to Title 70 RCW; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Consumer" means a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food facility, and does not offer the food for resale.

(2) "Food service establishment" means establishments that serve food, beverages, or prepared food for consumption including establishments:

(a) With the primary business purpose of serving food to be consumed on the premises or providing prepared meals or other food or beverage items that a consumer purchases and intends to eat elsewhere; or

(b) That serve food, beverages, and prepackaged food and beverages: (i) Via a drive through; (ii) in a packaged form for take out or take away; or (iii) from stands or kiosks that provide no shelter or seating for consumers.

(3) "Local health jurisdiction" or "jurisdictional health department" means an administrative agency organized under chapter 70.05 RCW, a health district organized under chapter 70.46 RCW, or a combined city-county health department organized under chapter 70.08 RCW, that administers public health and safety regulations and codes, including food safety and restaurant inspections.

(4) "Plastic beverage straw" means a tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, and including compostable and biodegradable petroleum or biologically based polymer straws, for transferring a beverage from its container to the mouth of the drinker.

NEW SECTION. **Sec.**  (1) Beginning January 1, 2020, a food service establishment may not provide a single-use plastic straw to a consumer unless requested by the consumer.

(2) In recognition that a straw is an adaptive utensil that may provide basic accommodation for persons with disabilities to eat and drink, a food service establishment must provide a single-use plastic straw upon request to persons with disabilities.

NEW SECTION. **Sec.**  (1) The local health jurisdiction or a jurisdictional health department must enforce this chapter.

(a) The local health jurisdiction or a jurisdictional health department must provide notice of violation to any person for the first and second violation of section 2 of this act.

(b) For the third and subsequent violations of section 2 of this act, a person is subject to a civil penalty of twenty-five dollars for each day not to exceed three hundred dollars per year.

(2) Penalties collected under this section may be retained by the local health jurisdiction or jurisdictional health department for enforcement activities.

NEW SECTION. **Sec.**  By January 1, 2020, city, county, or municipal corporation ordinances restricting the use of plastic straws must at least meet the requirements imposed under section 2 of this act. This chapter does not preempt or limit a local government from enforcing a grandfathered ordinance. For the purposes of this chapter, "grandfathered ordinance" means a plastic beverage straw ordinance that was in effect as of the effective date of this section and meets at least the requirements of this chapter, as determined by the local health jurisdiction.

NEW SECTION. **Sec.**  Sections 1 through 4 of this act constitute a new chapter in Title 70 RCW.

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