

# SENATE BILL REPORT

## SB 5077

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As of February 13, 2019

**Title:** An act relating to prohibiting single-use plastic straws.

**Brief Description:** Prohibiting single-use plastic straws.

**Sponsors:** Senators Kuderer, Darneille, Palumbo, Hunt and Pedersen.

**Brief History:**

**Committee Activity:** Environment, Energy & Technology: 1/24/19.

**Brief Summary of Bill**

- Prohibits the sale and distribution of plastic straws within the state.
- Requires the Department of Health and the Department of Social and Health Services to provide recommendations to accommodate health care needs and individuals with disabilities.

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### SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

**Staff:** Jan Odano (786-7486)

**Background:** Several cities in the United States have banned plastic straws. The city of Seattle enacted an ordinance effective July 1, 2018, that prohibits food service businesses, including restaurants, grocery stores, coffee shops, and food trucks from providing plastic straws and plastic utensils. The ordinance allows the use of approved compostable utensils and straws.

The Department of Social and Health Services (DSHS) provides support for persons with disabilities. A developmental disability includes intellectual disability, cerebral palsy, epilepsy, autism or another neurological or other condition similar to intellectual disability. A disability must have begun before the person turns eighteen years old, is continued or expected to continue indefinitely, and is substantially limiting.

The Department of Health (DOH) regulates healthcare professionals and facilities. DOH sets regulatory standards for licensed health providers and medical facilities to ensure public

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safety. DOH works to improve the quality, effectiveness and cost efficiency of health care services, as well as facilitating partnerships to improve health outcomes.

There are 35 local public health jurisdictions (LHJs) in Washington. LHJs have primary responsibility for the health and safety of Washington residents. Within its purview, LHJs are responsible for environmental health and safety, which includes food safety inspections and permits, onsite sewage, safe shellfish, and solid waste facility inspections and permits.

**Summary of Bill:** Beginning July 1, 2020, no person may sell or distribute plastic straws within the state of Washington. A plastic straw is defined as a tube made primarily of plastic derived from petroleum or biologically based plant polymer, including compostable and biodegradable petroleum or biologically based straws.

DSHS and DOH are required to consult with community health groups and advocates for persons with disabilities to address the need for plastic straws. The departments must provide recommendations to the Legislature to support the plastic straw ban, assist with the transition to accommodate health care needs and individuals with disabilities, and to ensure unintended consequences are addressed.

A person is subject a notice of violation from the LHJ for the first and second violations. For the third and subsequent violations a person is subject to a \$25 fine for each day not to exceed \$300. LHJ may retain the penalties collected for enforcement activities.

**Appropriation:** None.

**Fiscal Note:** Requested on January 18, 2019.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Banning straws means the elimination of the threat to the environment. This is one step towards a cleaner environment. It provides public awareness and education about the problems with plastic. Plastics do not completely break down but become microplastics in the ocean where it harm fish and other animals. There are alternatives to straws.

CON: For some people straws are not a luxury. The ban will affect disabled people who need straws and creates unequal access. It will put some people at great risk of harm because this will set up barriers for people getting basic nutrition and hydration.

OTHER: There are not enough alternatives to plastic straws available at this time. The effective date should be pushed back to allow for the availability of alternatives.

**Persons Testifying:** PRO: Senator Patty Kuderer, Prime Sponsor; Natalie Ada, Lake Washington HS/TVW Capitol Classroom; Rhys Heena, Lake Washington High School; Sofia Brekkan, Lake Washington High School; Michael Moran, TVW Capitol Classroom; Heather Trim, Zero Waste Washington; Grace Doleshel, citizen.

CON: Aimee Champion, Self Advocates in Leadership; Shaun Bickley, The Arc of King County.

OTHER: Holly Chisa, NW Grocery Association; Carolyn Logue, Washington Food Industry Association; Megan O'Reilly, Straw Kids; Rebecca Morasch, Straw Kids; Geneva Betnel, Straw Kids; Cora Batterbery, Straw Kids; Kaileigh Peterson, Straw Kids; Samantha Louderback.

**Persons Signed In To Testify But Not Testifying:** No one.