

# SENATE BILL REPORT

## ESSB 5077

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As Passed Senate, March 4, 2019

**Title:** An act relating to restricting single-use plastic straws at food service establishments.

**Brief Description:** Restricting single-use plastic straws at food service establishments.

**Sponsors:** Senate Committee on Environment, Energy & Technology (originally sponsored by Senators Kuderer, Darneille, Palumbo, Hunt and Pedersen).

**Brief History:**

**Committee Activity:** Environment, Energy & Technology: 1/24/19, 2/14/19 [DPS, DNP, w/oRec].

**Floor Activity:**

Passed Senate: 3/04/19, 27-21.

**Brief Summary of Engrossed First Substitute Bill**

- Prohibits food establishments from providing a plastic straw except upon request.
- Requires food establishments to provide a plastic straw when requested by a person with disabilities.
- Requires local governments restricting the use of plastic straws to at least meet the requirements of the act.
- Provides that local ordinances that at least meet established requirements in effect as of the effective date of the act are not limited or preempted.

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**SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY**

**Majority Report:** That Substitute Senate Bill No. 5077 be substituted therefor, and the substitute bill do pass.

Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Billig, Das, Hobbs, Liias, McCoy and Nguyen.

**Minority Report:** Do not pass.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Signed by Senators Ericksen, Ranking Member; Fortunato, Assistant Ranking Member, Environment; Sheldon, Assistant Ranking Member, Energy & Technology; Brown, Rivers and Short.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Wellman.

**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 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 Engrossed First Substitute Bill:** Beginning January 1, 2020, a food establishment may not provide a plastic straw to a consumer except upon request. A food service establishment must provide a plastic straw upon request to persons with disabilities.

By January 1, 2020, local ordinances restricting the use of plastic straws must at least meet the requirements of the act. A local ordinance that is in effect as of the effective date of the act and that at least meets the requirements of the act are not preempted or limited.

Food service establishment is defined as establishments with the primary business of serving prepared food and beverages for consumption on premise or take away, or that serve food, beverages, and prepackaged food or beverages by drive-through, in a packaged form to take-away, or from stands that do not provide seating or shelter for consumers.

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.

**Appropriation:** None.

**Fiscal Note:** Available.

**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 on Original Bill:** *The committee recommended a different version of the bill than what was heard.* 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, Northwest 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.