
Environment & Energy Committee

ESSB 5077

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 Summary of Engrossed Substitute Bill

- Prohibits food service establishments from providing single-use plastic straws except upon customer request.
- Requires food service establishments to provide plastic straws upon request to persons with disabilities.
- Requires local government ordinances restricting the use of plastic straws to at least meet state plastic straw provision requirements by January 1, 2020.

Hearing Date: 3/14/19

Staff: Jacob Lipson (786-7196).

Background:

A number of municipalities in Washington have adopted ordinances addressing certain plastic products used in the provision or consumption of food, including plastic utensils, straws, and containers.

There are 36 local public health jurisdictions (LHJs) in Washington, which include county health departments, multi-county health districts, and city-county health departments. LHJs have primary responsibility for the health and safety of Washington residents. LHJs are responsible for environmental health and safety, which includes food safety inspections and permits, onsite sewage, and solid waste facility inspections and permits.

Under the state's solid waste management laws, local governments are the primary government entity responsible for implementing state solid waste management requirements. County and

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city comprehensive solid waste management plans must contain certain elements, including a waste reduction and recycling element, and must consider source separation of recyclable materials and organic materials from other solid wastes. Cities and counties determine which materials may be accepted for curbside recycling in each jurisdiction, and whether organic materials are collected separately from other solid wastes.

Summary of Bill:

Beginning January 1, 2020, food service establishments may not provide single-use plastic straws to a consumer unless requested by the consumer. Food service establishments are defined as establishments that serve food, beverages, or prepared food for consumption, including food to be consumed on-premises, off-premises, via drive through, packaged as take-out, or from stands or kiosks.

Food service establishments must provide single-use plastic straws upon request to persons with disabilities.

Local Health Jurisdictions (LHJ) enforce these requirements. LHJs must provide a notice of violation to a person for the first or second violation. For the third and subsequent violations, a person is subject to a \$25 per day civil penalty, not to exceed penalties of up to \$300 per year.

By January 1, 2020, local ordinances that restrict plastic straws must meet the requirements of state law that single-use plastic straws may only be provided by food service establishments upon customer request and must be provided by food service establishments to disabled customers upon request. Local governments are not preempted or limited from enforcing a grandfathered ordinance that was in effect as of the effective date of the act, and that meets the requirements of state law, as determined by the LHJ.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 7, 2019.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.