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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)

READ FIRST TIME 02/15/19.

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

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply  
6 throughout this chapter unless the context clearly requires  
7 otherwise.

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

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

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

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

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

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

13 NEW SECTION. **Sec. 2.** (1) Beginning January 1, 2020, a food  
14 service establishment may not provide a single-use plastic straw to a  
15 consumer unless requested by the consumer.

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

20 NEW SECTION. **Sec. 3.** (1) The local health jurisdiction or a  
21 jurisdictional health department must enforce this chapter.

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

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

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

31 NEW SECTION. **Sec. 4.** By January 1, 2020, city, county, or  
32 municipal corporation ordinances restricting the use of plastic  
33 straws must at least meet the requirements imposed under section 2 of  
34 this act. This chapter does not preempt or limit a local government  
35 from enforcing a grandfathered ordinance. For the purposes of this  
36 chapter, "grandfathered ordinance" means a plastic beverage straw  
37 ordinance that was in effect as of the effective date of this section

1 and meets at least the requirements of this chapter, as determined by  
2 the local health jurisdiction.

3 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act  
4 constitute a new chapter in Title 70 RCW.

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