
SUBSTITUTE SENATE BILL 5077

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.

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

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