It is enacted by the General Assembly as follows:

SECTION 1. Title 21 of the General Laws entitled "FOOD AND DRUGS" is hereby amended by adding thereto the following chapter:

CHAPTER 27.2

SINGLE-USE PLASTIC STRAWS

21-27.2-1. Definitions.

As used in this chapter:

(1) “Food service establishment” shall have the meaning set forth in § 21-27-1.

(2) “Single-use plastic straw” means a single-use, disposable tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, used to transfer a beverage from a container to the mouth of the person drinking the beverage. “Single-use plastic straw” does not include a straw made from non-plastic materials, including, but not limited to, paper, pasta, sugar cane, wood, or bamboo.

21-27.2-2. Prohibited practices exception.

A food service establishment shall not provide a single-use plastic straw to a consumer unless requested by the consumer or selected by the consumer from a self-service dispenser.


The first and second violation of this chapter shall result in a notice of violation, and any subsequent violation shall be punishable by a fine of twenty-five dollars ($25.00) for each violation by the service establishment, but not to exceed three hundred dollars ($300) annually.
21-27.2-4. Enforcement.

The director of health shall promulgate and adopt such rules and regulations as may be necessary to enforce the provisions of this chapter.

21-27.2-5. Preemption.

The regulation of single-use plastic straws within food-service establishments is preempted to the state. Nothing in this chapter shall be construed to abrogate or affect the provisions of any lawful ordinance, regulation, or resolution adopted prior to the effective date of this chapter.

SECTION 2. This act shall take effect on November 1, 2019.
This act would prohibit a food service establishment from providing a consumer with a single-use plastic straw, unless the straw is from a self-service dispenser or the consumer requests such a straw. The first and second violation of this statute would result in a notice of violation, and any subsequent violations would be punishable by a fine of twenty-five dollars ($25.00), not to exceed three hundred dollars ($300) annually. This act would take effect on November 1, 2019.