

AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania
2 Consolidated Statutes, in environmental protection, providing
3 for single-use plastic straw prohibition; and imposing civil
4 penalties.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 27 of the Pennsylvania Consolidated
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 43

10 SINGLE-USE PLASTIC STRAW PROHIBITION

11 Sec.

12 4301. Purpose.

13 4302. Definitions.

14 4303. Prohibition.

15 4304. Complaints.

16 4305. Compliance.

17 4306. Regulations.

18 4307. Penalties.

1 4308. Applicability.

2 § 4301. Purpose.

3 The intent of this chapter is to reduce the adverse
4 environmental impact of single-use plastic straws.

5 § 4302. Definitions.

6 The following words and phrases when used in this chapter
7 shall have the meanings given to them in this section unless the
8 context clearly indicates otherwise:

9 "Department." The Department of Environmental Protection of
10 the Commonwealth.

11 "Food establishment." All sales outlets, stores, shops or
12 other places of business located within this Commonwealth which
13 operate primarily to sell or convey food directly to the
14 ultimate consumer, which food is predominately contained,
15 wrapped or held in or on packaging. The term includes any place
16 where food is prepared, mixed, cooked, baked, smoked, preserved,
17 bottled, packaged, handled, stored, manufactured and sold or
18 offered for sale, including, but not limited to, any fixed or
19 mobile restaurant, drive-in, coffee shop, cafeteria, short order
20 cafe, delicatessen, luncheonette, grill, sandwich shop, soda
21 fountain, tavern, bar, cocktail lounge, nightclub, roadside
22 stand, prepared food take-out place, industrial feeding
23 establishment, catering kitchen, commissary, grocery store,
24 public food market, food stand or similar place in which food or
25 drink is prepared for sale or for service on the premises or
26 elsewhere, and any other establishment or operation, including
27 homes, where food is processed, prepared, stored, served or
28 provided for the public for charge.

29 "Retailer." A person that purchases or receives products
30 from any source for the purpose of sale to a consumer.

1 "Single-use plastic straw." A single-use, disposable tube
2 made predominantly of plastic derived from either petroleum or a
3 biologically based polymer, such as corn or other plant sources,
4 used to transfer a beverage from a container to the mouth of the
5 person drinking the beverage. The term does not include a straw
6 made from nonplastic materials, including, but not limited to,
7 paper, pasta, sugar cane, wood or bamboo.

8 § 4303. Prohibition.

9 (a) Food establishment.--A food establishment is prohibited
10 from selling, giving or providing single-use plastic straws
11 except on the specific request of a customer.

12 (b) Retailer.--A retailer is prohibited from selling, giving
13 or providing single-use plastic straws except on the specific
14 request of a customer.

15 § 4304. Complaints.

16 The department shall prescribe a procedure for a person to
17 file a complaint with the department for a violation of this
18 chapter.

19 § 4305. Compliance.

20 The department shall develop and maintain a publicly
21 accessible Internet website with all of the following:

22 (1) A description of the information necessary to comply
23 with the prohibition under section 4303 (relating to
24 prohibition).

25 (2) A description of the procedure under section 4304
26 (relating to complaints) to file a complaint with the
27 department for a violation of the prohibition under this
28 chapter.

29 § 4306. Regulations.

30 The department may promulgate rules and regulations necessary

1 to implement the provisions of this chapter.

2 § 4307. Penalties.

3 (a) Imposition.--The department may impose a civil penalty
4 in the following amounts for a violation of this chapter:

5 (1) For a first violation, \$500.

6 (2) For a second violation, \$1,000.

7 (3) For a third or subsequent violation, \$2,000.

8 (b) Payment.--Any civil penalty collected under subsection
9 (a) shall be paid to the department.

10 (c) Local law.--This chapter shall preempt any ordinance or
11 resolution passed or adopted by any political subdivision that
12 is effective on or before or after the effective date of this
13 chapter to the extent that the ordinance or resolution conflicts
14 or is inconsistent with the provisions of this chapter.

15 § 4308. Applicability.

16 This act shall apply to transactions consummated after
17 December 31, 2018.

18 Section 2. This act shall take effect immediately.