

Prohibits certain plastic single-use food service items and makes non-plastic single-use food service items available only upon request.

The People of the State of do enact as follows: Skip the Stuff Act.

Section 1 Definitions.

Section 2 Single-use food service items.

Section 3 Penalties; enforcement.

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Section 1 Definitions.

(a) "Beverage splash stick" means a device primarily intended to be used to keep heat and liquid from escaping a lidded cup.

(b) "Beverage Stirrer" means a device primarily intended for stirring beverages.

(c) "Condiment pack" means an individual single-use container, sealed by the manufacturer or restaurant , containing a condiment.

(d) "Department" means the Department of Health or institution responsible for sanitation or health code

compliance and inspections.

(e) "Plastic" means any synthetic, or semi-synthetic material made from polymers or from renewable or biological sources, including but not limited to vegetable fats and oils, polysaccharides, sugar, or proteins.

(f) "Restaurant" means any eating or beverage establishment, which offers for sale food or beverages to the public, guests, members, or patrons, whether consumption occurs on or off the premises or is provided from a food van, pushcart, stand or vehicle.

(g) "Single-use food service items" includes non-plastic single-use, straws, cutlery, condiment packs, napkins, beverage splash sticks, beverage stirrers, or extra eating or drinking containers.

(h) "Third-party food delivery platform" means the online or mobile platform of the third-party food delivery service on which a consumer can view products available for sale and place an order for a

restaurant's products.

(i) "Third-party food delivery service" means any website, mobile application or other internet service that offers or arranges for the sale or delivery of food or beverages prepared by, and the delivery or pickup of food and beverage from, a restaurant.

Section 2 Single-use food service items.

(a) Restaurants and third-party food delivery services shall only provide single-use food service items, including plastic straws and condiment packs, to customers when explicitly requested by the customer.

(1) Restaurants and third-party food delivery services shall allow a customer to request single-use food service items upon submission of an order. Such options shall be available for all methods of ordering, including but not limited to phone, internet, or mobile phone application orders. The default selected options shall be that no single-use food service items are requested.

(2) No inquiry into the reason for the request shall be made by a restaurant, third-party food delivery service, or any of its employees in carrying out the request authorized by paragraph (1) of this section.

(b) Restaurants and third-party food delivery services are prohibited from providing customers with plastic single-use food service items.

(c) Single-use food service items provided by a restaurant or third-party food delivery service, pursuant to paragraph (a) subsection(1)of this section, shall not be wrapped in plastic or offered as a bundled set, including folks, spoons, and knives.

(d) If a restaurant fills an order placed through a third-party food delivery service, such restaurant may rely on the information provided by such third-party food delivery service regarding whether the customer has requested single-use food service items. In a proceeding to collect a civil penalty pursuant to section 3 of this title, it shall be a complete defense for a respondent

restaurant to establish that such restaurant relied on the information provided to it by the third-party food delivery service regarding the customer's choice pursuant to paragraph (a) of subsection (1) of this section.

(1) A copy or screenshot of a communication by the third-party food delivery service to the restaurant regarding the customer's choice pursuant to paragraph (a) of subsection (1) of this section shall constitute prima facie evidence that the restaurant relied on the information provided to it by the third-party food delivery service.

(2) A third-party food delivery service shall provide a copy or screenshot of the communication pursuant to paragraph (d) of subsection (1) of this section in writing to a restaurant within seventy-two hours of such restaurant's request for such communication.

Section 3 Penalties; enforcement.

(a) Any restaurant or third-party delivery service violating any provision of this title or any rule or regulation adopted pursuant to this title is subject to :

(1) An order to discontinue the distribution of single-use food service items prohibited by this title; and

(2) An administrative civil penalty of not less than \$200 nor more than \$1,000 for each day of violation may be imposed by the issuance of a notice of violation, a hearing and an opportunity to be heard.

(b) The Department may institute a civil action in any court of competent jurisdiction for injunctive or other relief to correct or abate violations of this title or any rule or regulation adopted pursuant to this section 4, to collect civil penalties, or to obtain other relief.

(c) The Department shall not issue a notice of violation, but shall issue a warning and provide information on compliance with such section, for any violation that occurs within one year of the effective date of this title.

(d) Twenty Percent of any monies collected pursuant to this section, from fines or other civil penalties assessed during a fiscal year, must be utilized for public education and citizen complaints in accordance with section 5.

(e) Nothing in this section precludes the Department from enforcing any law, rule, regulation, fine or other penalty under other laws and regulations under the jurisdiction of the Department.

Section 4 Rules and regulations.

(a) The Department shall promulgate rules and regulations, within one year of adoption of this law,

for the implementation, administration, and enforcement of this title, including rules and regulations to allow for restaurants and third-party food delivery service to utilize plastic single-use food service items on hand at the time of enactment of this title.

Section 5 Public education; public complaints.

(a) The Department shall establish a public education program to disseminate information regarding implementation of this title. The information must include a link to the publication of this title, along with a summary of the general benefits, requirements, and citizen's rights under this title.

(b) The Department shall provide, at minimum, access to the Department's website where members of the public can file a complaint for violations of this title. All materials printed to comply with this section must include reference to the website.
