

AMENDED IN SENATE AUGUST 6, 2018
AMENDED IN SENATE JUNE 27, 2018
AMENDED IN ASSEMBLY APRIL 30, 2018
AMENDED IN ASSEMBLY APRIL 16, 2018
AMENDED IN ASSEMBLY FEBRUARY 5, 2018
CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 1884

Introduced by Assembly Members Calderon and Bloom
(Coauthor: Senator Stern)

January 17, 2018

An act to add Chapter 5.2 (commencing with Section 42270) to Part 3 of Division 30 of the Public Resources Code, relating to food facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1884, as amended, Calderon. Food facilities: single-use plastic straws.

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for, and provides for regulation by the State Department of Public Health of, retail food facilities, as defined. Existing law defines "enforcement officer," for purposes of enforcing these provisions, to mean certain appointees of the State Public Health Officer, and all local health officers, directors of environmental health, and their duly authorized registered environmental health specialists and environmental health specialist trainees.

Existing law prohibits certain stores from providing a single-use carryout bag to a customer at the point of sale.

This bill would prohibit a ~~food facility~~, *full-service restaurant*, as specified, ~~where food may be consumed on the premises~~, from providing single-use plastic straws, as defined, to consumers unless requested by the consumer. The bill would specify that the first and 2nd violations of these provisions would result in a ~~warning notice of violation~~ and any subsequent violation would be an infraction punishable by a fine of \$25 for each day the ~~food facility~~ *full-service restaurant* is in violation, but not to exceed an annual total of \$300. The provisions would be enforced by the same officers authorized to enforce the California Retail Food Code. By creating a new crime and imposing additional enforcement duties on local health agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 5.2 (commencing with Section 42270)
2 is added to Part 3 of Division 30 of the Public Resources Code, to
3 read:

4
5 CHAPTER 5.2. SINGLE-USE PLASTIC STRAWS

6
7 42270. For purposes of this chapter, the following definitions
8 shall apply:

- 9 (a) "Consumer" has the same meaning as in Section 113757 of
- 10 the Health and Safety Code.
- 11 (b) "Enforcement officer" has the same meaning as in Section
- 12 113774 of the Health and Safety Code.
- 13 (c) ~~"Food facility" has the same meaning as in Section 113789~~
- 14 ~~of the Health and Safety Code.~~

1 (d)

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

9 (d) “Full-service restaurant” means an establishment with the
10 primary business purpose of serving food, where food may be
11 consumed on the premises, and where all of the following actions
12 are taken by an employee of the establishment:

13 (1) The consumer is escorted or assigned to an assigned eating
14 area. The employee may choose the assigned eating area or may
15 seat the consumer according to the consumer’s need for
16 accommodation or other request.

17 (2) The consumer’s food and beverage orders are taken after
18 the consumer has been seated at the assigned seating area.

19 (3) The food and beverage orders are delivered directly to the
20 consumer.

21 (4) Any requested items associated with the consumer’s food
22 or beverage order are brought to the consumer.

23 (5) The check is delivered directly to the consumer at the
24 assigned eating area.

25 42271. (a) ~~A food facility where food may be consumed on~~
26 ~~the premises~~ A full-service restaurant shall not provide a single-use
27 plastic straw to a consumer unless requested by the consumer. ~~For~~
28 ~~purposes of this section, a food facility shall not include a facility~~
29 ~~listed in paragraphs (1) through (11), inclusive, of subdivision (b)~~
30 ~~of Section 113789 of the Health and Safety Code, and shall not~~
31 ~~include a food facility with a self-service beverage station.~~

32 (b) This section shall be enforced by an enforcement officer.
33 The first and second violations of subdivision (a) shall result in a
34 ~~warning, notice of violation,~~ and any subsequent violation shall
35 constitute an infraction punishable by a fine of twenty-five dollars
36 (\$25) for each day the ~~food facility~~ full-service restaurant is in
37 violation, but not to exceed three hundred dollars (\$300) annually.

38 (c) Nothing in this section shall prevent a city, county, *city and*
39 *county*, or other local public agency from adopting and
40 implementing an ordinance or rule that would further restrict a

1 ~~food facility~~ *full-service restaurant* from providing a single-use
2 plastic straw to a consumer.

3 SEC. 2. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution for certain
5 costs that may be incurred by a local agency or school district
6 because, in that regard, this act creates a new crime or infraction,
7 eliminates a crime or infraction, or changes the penalty for a crime
8 or infraction, within the meaning of Section 17556 of the
9 Government Code, or changes the definition of a crime within the
10 meaning of Section 6 of Article XIII B of the California
11 Constitution.

12 However, if the Commission on State Mandates determines that
13 this act contains other costs mandated by the state, reimbursement
14 to local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.