

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0768.01 Jennifer Berman x3286

HOUSE BILL 19-1143

HOUSE SPONSORSHIP

Lontine,

SENATE SPONSORSHIP

Fields and Priola,

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT A RETAIL FOOD ESTABLISHMENT**
102 **ONLY PROVIDE A SINGLE-USE PLASTIC BEVERAGE STRAW TO A**
103 **CUSTOMER UPON REQUEST OF THE CUSTOMER.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill prohibits a restaurant, food vendor, or other food service establishment from providing a single-use plastic beverage straw to a customer unless the customer requests a straw. The bill does not apply to the following:

- ! The use of a self-serve straw dispenser;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 MADE OF NONPLASTIC MATERIALS, INCLUDING PAPER, WOOD, BAMBOO, OR
2 METAL.

3 (5) "RETAIL FOOD ESTABLISHMENT" HAS THE MEANING SET FORTH
4 IN SECTION 25-4-1602 (14).

5 (6) "SINGLE-USE" MEANS A PRODUCT THAT IS DESIGNED TO BE
6 USED ONLY ONCE FOR ITS INTENDED PURPOSE AND THEN DISPOSED OF OR
7 DESTROYED.

8 **25-17-502. Prohibition - exemptions.** (1) ON AND AFTER
9 JANUARY 1, 2020, A RETAIL FOOD ESTABLISHMENT SHALL NOT PROVIDE A
10 SINGLE-USE PLASTIC BEVERAGE STRAW TO A CUSTOMER OF THE RETAIL
11 FOOD ESTABLISHMENT UNLESS THE CUSTOMER REQUESTS A SINGLE-USE
12 PLASTIC BEVERAGE STRAW.

13 (2) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO:

14 (a) A RETAIL FOOD ESTABLISHMENT'S USE OF A SELF-SERVE STRAW
15 DISPENSER TO ALLOW A CUSTOMER TO DISPENSE A SINGLE-USE PLASTIC
16 STRAW FROM THE DISPENSER;

17 (b) A CUSTOMER'S ORDER OF FOOD FROM THE RETAIL FOOD
18 ESTABLISHMENT:

19 (I) MADE THROUGH A DRIVE-THROUGH WINDOW AT A RETAIL FOOD
20 ESTABLISHMENT;

21 (II) MADE FOR OFF-PREMISES DELIVERY TO THE CUSTOMER
22 THROUGH A THIRD-PARTY DELIVERY SERVICE; OR

23 (III) DELIVERED PURSUANT TO A DELIVERY ORDER PLACED VIA A
24 DIGITAL OR MOBILE APPLICATION OR THROUGH A WEBSITE; OR

25 (c) A PREPACKAGED FOOD THAT A RETAIL FOOD ESTABLISHMENT
26 DISTRIBUTES TO CUSTOMERS THAT HAS BEEN FILLED, SEALED, OR
27 PACKAGED BEFORE THE RETAIL FOOD ESTABLISHMENT'S RECEIPT OF THE

1 PREPACKAGED FOOD AT THE RETAIL FOOD ESTABLISHMENT'S RETAIL
2 PREMISES.

3 **25-17-503. Restrictions on local government regulation.** A
4 LOCAL GOVERNMENT SHALL NOT ADOPT OR IMPLEMENT AN ORDINANCE,
5 RESOLUTION, RULE, OR POLICY REGULATING THE USE OF SINGLE-USE
6 PLASTIC BEVERAGE STRAWS.

7 **SECTION 2. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly (August
10 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2020 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.