



Susan Wengraf
Councilmember District 6

CONSENT CALENDAR
March 27, 2018

To: Honorable Mayor and Members of the City Council
From: Councilmembers Wengraf, Hahn, and Harrison
Subject: Support AB 1884 (Calderon) Plastic Straws on Request

RECOMMENDATION

Send a letter in support of [AB 1884](#) (Calderon) urging our representatives to vote for this bill. Letter should be sent to Assemblymember Tony Thurmond, State Senator Nancy Skinner and Governor Jerry Brown.

FINANCIAL IMPLICATIONS

Minimal

BACKGROUND

Assembly Bill 1884 mandates that dine-in only restaurants in California adopt and implement a plastic straws upon-request policy. This bill is a first step in addressing the over-use of plastic straws on a state-wide basis. The proposed legislation applies only to dine-in eating establishments.

Non-biodegradable plastic straws are typically not recycled, and as a result may end up in waterways and the ocean where they deteriorate into tiny pieces of plastic that have detrimental impacts on marine life.

Plastic straws are ubiquitous in food service establishments, but alternatives exist: re-useable stainless steel and glass and biodegradable paper and bamboo are all available.

Several cities in California have already adopted ordinances to reduce plastic straw use in their communities. The cities of Manhattan Beach and Malibu have banned plastic straws and other single use plastics completely. The cities of Davis, San Luis Obispo and Alameda have adopted straws-upon-request ordinances that require businesses to only provide straws when patrons request them.

ENVIRONMENTAL SUSTAINABILITY

Support of this bill is completely consistent with the City of Berkeley's policy goals of environmental stewardship and sustainability.

CONTACT PERSON

Councilmember Susan Wengraf Council District 6 510-981-7160

Attachments:

- 1: Letter
- 2: Bill

March 27, 2018

To: Assembly Member Tony Thurmond, State Senator Nancy Skinner and Governor Jerry Brown

From: Berkeley City Council

RE: Support for AB 1884 (Calderon) Plastic Straws on Request

Dear XX:

500 million straws are discarded every day in the United States. Single-use non-biodegradable plastic straws are typically not recycled, and as a result may end up in waterways and the ocean where they deteriorate into tiny pieces of plastic that have detrimental impacts on marine life. Assembly Bill 1884 (Calderon) mandates that dine-in only restaurants in California adopt and implement a plastic straws upon request policy. This bill is a first step in addressing the over-use of plastic straws on a state-wide basis. The proposed legislation applies only to dine-in eating establishments.

Several cities in California have already adopted ordinances to reduce plastic straw use in their communities. The cities of Manhattan Beach and Malibu have banned plastic straws and other single use plastics completely. The cities of Davis, San Luis Obispo and Alameda have adopted straws-upon-request ordinances that require businesses to only provide straws when patrons request them.

The City of Berkeley asks you to support this bill and to encourage affirmative votes from your colleagues.

Respectfully,

The Berkeley City Council

AMENDED IN ASSEMBLY FEBRUARY 5, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 1884

Introduced by Assembly Member Calderon

January 17, 2018

~~An act to add Section 114082 to the Health and Safety Code, relating to food facilities. An act to add Chapter 5.8 (commencing with Section 42359) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.~~

LEGISLATIVE COUNSEL'S DIGEST

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

Existing law establishes state programs for the regulation of various solid waste, including, among others, plastic products, tires, and electronics. Existing law also imposes health and sanitation standards for retail food facilities, as defined, including restaurants.

This bill would prohibit a food facility, as specified, where food may be consumed on the premises from providing single-use plastic straws to consumers unless requested by the consumer, as specified.

~~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, and requires local health agencies to enforce these provisions. Existing law requires, except as otherwise provided, a person who violates any provision of the code to be guilty of a misdemeanor with each offense punishable by a fine of not less than \$25 or more than \$1,000, or by imprisonment in the county jail for a term not exceeding 6 months, or by both.~~

~~This bill would prohibit a food facility, as specified, where food may be consumed on the premises from providing single-use plastic straws to consumers unless requested by the consumer. 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-no*. State-mandated local program: *yes-no*.

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

1 *SECTION 1. Chapter 5.8 (commencing with Section 42359)*
2 *is added to Part 3 of Division 30 of the Public Resources Code,*
3 *to read:*

4
5 *CHAPTER 5.8. PLASTIC STRAWS*
6

7 *42359. A food facility, as defined in Section 113789 of the*
8 *Health and Safety Code, where food may be consumed on the*
9 *premises shall not provide single-use plastic straws to consumers*
10 *unless requested by the consumer. For purposes of this section, a*
11 *food facility shall not include a facility listed in subdivision (b) of*
12 *Section 113789 of the Health and Safety Code, nor a food facility*
13 *with a self-service beverage station.*

14 ~~SECTION 1. Section 114082 is added to the Health and Safety~~
15 ~~Code, to read:~~

16 ~~114082. A food facility where food may be consumed on the~~
17 ~~premises shall not provide single-use plastic straws to consumers~~
18 ~~unless requested by the consumer. For purposes of this section, a~~
19 ~~food facility shall not include the facilities listed in subdivision~~
20 ~~(b) of Section 113789.~~

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

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

