

ANALYSIS

This ordinance amends Title 12 – Environmental Protection – of the Los Angeles County Code, by adding Chapter 12.86 entitled "Plastic Straws and Stirrers Upon Request," which prohibits businesses, located within the County unincorporated area, that serve food and/or beverages from automatically providing single-use plastic straws and stirrers to customers or from making these utensils available to customers from a self-serve dispenser. The ordinance provides that such businesses are allowed to provide single-use plastic straws and stirrers to customers only if so requested by the customer. With respect to businesses that, prior to the effective date of the ordinance, automatically provided single-use plastic straws or stirrers to customers and, thereafter, elect to make the utensils available upon customer request, the businesses must ask customers if they want a single-use plastic straw or stirrer, and then provide the utensils only if customers respond affirmatively. ~~With respect to businesses that, prior to the effective date of the ordinance, did not automatically provide single-use plastic straws or stirrers to customers and, thereafter, elect to make the utensils available upon customer request, the businesses may either: (1) provide single-use plastic straws or stirrers to customers who independently ask for them, or (2) ask customers if they want a single-use plastic straw or stirrer, and then provide the utensils only if customers respond affirmatively.~~ No business is required to provide single-use plastic straws or stirrers to customers.

The Department of Public Health will enforce the ordinance. The first two violations will result in warnings. A third violation will be considered an infraction, subject to a fine of \$25 per day, and a maximum fine of \$300 per year.

MARY C. WICKHAM
County Counsel

By

 for JCW
JULIA C. WEISSMAN
Senior Deputy County Counsel
Public Works Division

JCW:mv

Requested: 10/23/18
Revised: 11/13/18 11/27/18

ORDINANCE NO. _____

An ordinance amending Title 12 – Environmental Protection – of the Los Angeles County Code, by adding Chapter 12.86 entitled "Single-Use Plastic Straws and Stirrers Upon Request," to prohibit food-serving businesses within the County's unincorporated area from automatically providing single-use plastic straws and single-use plastic stirrers to customers.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Chapter 12.86 is hereby added to read as follows:

Chapter 86 Single-Use Plastic Straws and Stirrers Upon Request.

12.86.010 Definitions.

The following definitions apply to this Chapter:

- A. "Customer" means any person patronizing a food-serving business as defined by this Chapter.
- B. "Food-serving business" shall mean any business located in the unincorporated area of the County of Los Angeles in a permanent or mobile location that sells food and/or beverages, including, but not limited to, bars, coffee shops, convenience stores, fast food restaurants, food carts, food trucks, juice bars, restaurants, and temporary food facilities such as those participating in fairs or events.
- C. "Person" means any natural person, firm, corporation, partnership, or other organization or group, however organized.

D. "Self-serve dispenser" means any type of container, counter, shelf, or other location that is accessible to customers of a food-serving business from which such customers can access single-use plastic straws and single-use plastic stirrers.

E. "Single-use plastic stirrer" means a device that is used to mix beverages, intended for only single-use, and that is made predominantly of plastic derived from either petroleum or a biologically-based polymer, such as corn or other plant sources. "Single-use plastic stirrer" includes compostable and biodegradable petroleum or biologically-based polymer stirrers, but does not include stirrers that are made from non-plastic materials, such as paper, sugar cane, bamboo, etc.

F. "Single-use plastic straw" means a tube that allows a person, through suction, to transfer a beverage, liquid, or semi-frozen liquid from its container into the person's mouth, intended for only single-use, and that is made predominantly of plastic derived from either petroleum or a biologically-based polymer, such as corn or other plant sources. "Single-use plastic straw" includes compostable and biodegradable petroleum or biologically-based polymer straws, but does not include straws that are made from non-plastic materials, such as paper, sugar cane, bamboo, etc.

G. "Temporary food facility" means a temporary food facility, as defined in California Health and Safety Code section 113930, approved by the County Health Officer, which operates at an approved community event.

H. "Utensil" means a single-use plastic straw and/or a single-use plastic stirrer.

12.86.020 Single-Use Plastic Straws and Single-Use Plastic Stirrers Only

Provided Upon Request by Customer.

A. No food-serving business shall automatically provide a single-use plastic straw or single-use plastic stirrer to any customer. Nor shall any food-serving business make single-use plastic straws or single-use plastic stirrers available to customers from a self-serve dispenser. Food-serving businesses may provide single-use plastic straws and/or single-use plastic stirrers to customers only if so requested by the customers.

B. With respect to food-serving businesses that, before the effective date of this Chapter, automatically provided single-use plastic straws or single-use plastic stirrers to customers with a beverage order and, after the effective date of this Chapter, elect to make these utensils available to customers upon request, such food-serving businesses must ask customers if they would like a single-use plastic straw or single-use plastic stirrer, and then may provide the utensils only to customers who respond affirmatively.

~~C. With respect to businesses that, before the effective date of this Chapter, did not automatically provide single-use plastic straws or single-use plastic stirrers to customers with a beverage order and, after the effective date of this Chapter, elect to make these utensils available to customers upon request, such food-serving businesses may either: (1) provide single-use plastic straws or single-use plastic stirrers to customers who independently ask for them, or (2) ask customers if they want a single-use plastic straw or single-use plastic stirrer, and then provide the utensils only to customers who respond affirmatively.~~

DC. Nothing in this Chapter shall prohibit a food-serving business from providing to customers a single-use plastic straw or single-use plastic stirrer that is included as part of a product that is pre-packaged by the manufacturer, such as a juice box.

ED. Nothing in this Chapter shall be construed to require food-serving businesses to provide single-use plastic straws or single-use plastic stirrers to customers. Nor shall anything in this Chapter be construed to limit food-serving businesses in providing their customers with non-plastic utensils made from materials such as paper, sugar cane, bamboo, etc. Nor shall anything in this Chapter be construed to prohibit food-serving businesses from offering customers a choice between a single-use plastic straw or a single-use plastic stirrer and non-plastic alternatives made from materials such as paper, sugar cane, bamboo, etc.

12.86.030 Enforcement and Penalty.

A. The Director of Public Health has responsibility for enforcement of this Chapter. The Director of Public Health is authorized to promulgate regulations and establish guidelines for implementing and enforcing the ordinance consistent with this Chapter.

B. The first and second violations of this Chapter shall result in a notice of violation, and any subsequent violation shall constitute an infraction punishable by a fine of twenty-five dollars (\$25) for each day the food-serving business is in violation, but not to exceed three hundred dollars (\$300) annually.

C. Any person who is fined for violating this Chapter may, within thirty (30) days of receiving notice of such fine, appeal in writing to the Director of Public Health. The appeal shall include a statement as to why the person believes the fine should not be imposed, along with evidence in support of such statement. The Director of Public Health shall affirm, revise or revoke the fine, and this decision shall be final.

[TITLE12CH86JWCC]