

SENATE BILL NO. 120

INTRODUCED BY S. MALEK

A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING RETAIL FOOD ESTABLISHMENTS TO DISTRIBUTION OF PLASTIC STRAWS ONLY UPON REQUEST; AND PROVIDING FINES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Plastic straw by request -- exception -- enforcement -- penalty --**

**definition.** (1) Except as provided in subsection (2), a retail food establishment may not provide a single-use plastic straw to a consumer unless requested by the consumer.

(2) A retail food establishment operated by the state or a political subdivision of the state is exempt from the requirement under subsection (1) for service at a local government-owned health care facility, a state prison, a county jail, or a related facility where safety considerations involve public employees and consumers who may not have the freedom or ability to make the request required in subsection (1).

(3) Enforcement of subsection (1) may:

- (a) occur during a regular inspection of the retail food establishment by the regulatory authority; or
- (b) be based on a consumer complaint and investigation by the regulatory authority.

(4) A city, county, combined city and county government, or other local public agency may adopt and implement an ordinance that further restricts a retail food establishment from providing a single-use plastic straw to a consumer.

(5) After issuing a first and a second notice of violation of subsection (1), the regulatory authority may impose a fine of \$25 for each additional notice of violation, not to exceed \$300 in fines in one calendar year.

(6) For the purposes of this section, the term "single-use plastic straw" means a disposable tube made predominantly of plastic derived from either petroleum or a biologically based polymer, incorporating corn or other plant components, that is used to transfer a beverage from a container to the mouth of the person consuming the beverage and that typically is used one time before disposal. The term does not mean a straw made from nonplastic materials, including paper, pasta, sugar cane, wood, bamboo, or metal.

**NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an



1 integral part of Title 50, chapter 50, and the provisions of Title 50, chapter 50, apply to [section 1].

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