

# SB1792



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1792

Introduced 2/9/2023, by Sen. Emil Jones, III

### SYNOPSIS AS INTRODUCED:

New Act

Creates the Plastic Straw Ban Act. Provides that no bar in a municipality with a population greater than 500,000, restaurant in a municipality with a population greater than 500,000, or business that sells food to the public in a municipality with a population greater than 500,000 may provide a customer with a single-use plastic straw unless requested by the customer or unless the single-use plastic straw is available at a self-service station. Provides that the Department of Public Health shall enforce the Act. Provides penalties for violations. Defines terms.

LRB103 28377 CPF 54757 b

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Plastic Straw Ban Act.

6 Section 5. Definitions. In this Act:

7 "Bar" means an establishment that is devoted to the  
8 serving of alcoholic beverages for consumption by guests on  
9 the premises and that derives no more than 10% of its gross  
10 revenue from the sale of food consumed on the premises. "Bar"  
11 includes a tavern, nightclub, cocktail lounge, adult  
12 entertainment facility, or cabaret.

13 "Department" means the Department of Public Health.

14 "Restaurant" means an establishment that gives or offers  
15 for sale food or beverages to the public or guests.  
16 "Restaurant" includes a coffee shop, cafeteria, sandwich  
17 stand, or private or public school cafeteria.

18 "Self-service station" means a station in a restaurant  
19 where a customer is allowed to serve himself or herself,  
20 including, but not limited to, by filling or refilling the  
21 customer's beverage selection.

22 "Single-use plastic straw" means a single-use, disposable  
23 tube made predominantly of plastic derived from either

1 petroleum or a biologically based polymer, such as corn or  
2 other plant sources, used to transfer a beverage from a  
3 container to the mouth of the person drinking the beverage.  
4 "Single-use plastic straw" does not include a straw made from  
5 non-plastic materials, including, but not limited to, paper,  
6 pasta, sugar cane, wood, or bamboo.

7 Section 10. Plastic straw ban. No bar in a municipality  
8 with a population greater than 500,000, restaurant in a  
9 municipality with a population greater than 500,000, or  
10 business that sells food to the public in a municipality with a  
11 population greater than 500,000 may provide a customer with a  
12 single-use plastic straw unless requested by the customer or  
13 unless the single-use plastic straw is available at a  
14 self-service station.

15 Section 15. Enforcement. The Department shall enforce this  
16 Act through the issuance of citations and may assess civil  
17 penalties to enforce this Act. A first violation of this Act  
18 shall result in a notice of violation, and any subsequent  
19 violation shall be punishable by a civil penalty of \$25 for  
20 each day the bar, restaurant, or business is in violation. Any  
21 person may register a complaint with the Department for a  
22 violation of this Act. The Department shall establish a  
23 telephone number that a person may call to register a  
24 complaint concerning a violation of this Act. The Department

1 shall afford a violator the opportunity to pay the civil  
2 penalty without objection or to contest the citation in  
3 accordance with the Illinois Administrative Procedure Act.  
4 Upon receipt of a request for hearing to contest the  
5 imposition of a civil penalty imposed by a citation, the  
6 Department shall initiate a hearing in accordance with the  
7 Illinois Administrative Procedure Act and the rules  
8 established thereto by the Department applicable to contested  
9 cases. Parties to the hearing shall be the Department and the  
10 violator. The Department shall notify the violator in writing  
11 of the time, place, and location of the hearing. The hearing  
12 shall be conducted at the nearest regional office of the  
13 Department, or in a location contracted by the Department in  
14 the county where the citation was issued. Civil penalties  
15 imposed under this Act may be collected in accordance with all  
16 methods otherwise available to the Department, except that  
17 there shall be no collection efforts during the pendency of  
18 the hearing before the Department. All civil penalties  
19 collected under this Act shall be paid to the Department.