

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 602

S.P. 241

In Senate, March 1, 2021

An Act To Prevent Pollution from Single-use Plastic Straws, Splash Sticks and Beverage Lid Plugs

Received by the Secretary of the Senate on February 25, 2021. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MIRAMANT of Knox.

Cosponsored by Senator: BRENNER of Cumberland, Representatives: DOUDERA of Camden, DUNPHY of Old Town, GEIGER of Rockland, HEPLER of Woolwich, LOOKNER of Portland, McCREIGHT of Harpswell, TALBOT ROSS of Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 38 MRSA §1612** is enacted to read:

3 **§1612. Plastic beverageware reduction**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Beverage lid plug or splash stick" means a device designed to prevent the escape
7 of heat, steam or liquid from a lidded beverage cup by covering or plugging an opening
8 or openings in the lid of the cup.

9 B. "Drinking straw" means a hollow, tube-shaped device designed for use by an
10 individual to transfer a beverage within a container to the mouth of the individual.

11 C. "Eating establishment" has the same meaning as in Title 22, section 2491,
12 subsection 7.

13 D. "Food establishment" has the same meaning as in Title 22, section 2152, subsection
14 4-A.

15 E. "Plastic" means an organic or petroleum derivative synthetic or a semisynthetic
16 organic solid that is moldable and to which additives or other substances may have
17 been added. "Plastic" includes natural and biologically based polymers, regardless of
18 whether such polymers have been chemically modified and regardless of whether such
19 polymers are marketed or sold as marine-degradable, compostable or biodegradable.

20 F. "Single-use beverageware" means a drinking straw or beverage lid plug or splash
21 stick that is designed for one-time use.

22 **2. Manufacturing prohibition.** Beginning January 1, 2022, a person may not
23 manufacture in the State single-use beverageware made wholly or partly of plastic,
24 regardless of whether the single-use beverageware is intended to be sold or distributed as
25 part of or packaged with another product.

26 **3. Sales prohibition.** Beginning January 1, 2022, a person may not sell or offer for
27 sale or distribute in the State, at wholesale or retail, single-use beverageware made wholly
28 or partly of plastic, regardless of whether the single-use beverageware is sold, offered for
29 sale or distributed as part of or packaged with another product.

30 This subsection does not apply to the sale, offering for sale or distribution in the State of
31 single-use beverageware made wholly or partly of plastic:

32 A. To licensed nursing homes, medical facilities or hospitals; or

33 B. That is attached to or packaged with a juice box or pouch and sold, offered for sale
34 or distributed to child care facilities licensed under Title 22, section 8301-A or to
35 elementary schools as defined in Title 20-A, section 1, subsection 10.

36 **4. Food establishment and eating establishment prohibition.** Beginning January 1,
37 2022, a food establishment or eating establishment may not provide single-use
38 beverageware made wholly or partly of plastic to a customer at a point of sale or otherwise
39 make such single-use beverageware available to customers within the establishment.

40 This subsection does not apply to the provision of single-use beverageware made wholly
41 or partly of plastic by a food establishment or eating establishment that is a licensed nursing

1 home, medical facility or hospital. This subsection does not prevent a customer of a food
2 establishment or eating establishment from bringing single-use beverageware made wholly
3 or partly of plastic to the establishment for the customer's own use.

4 **5. Nonplastic single-use beverageware; fee.** Beginning January 1, 2022, a food
5 establishment or eating establishment may provide single-use beverageware not made
6 wholly or partly of plastic to a customer only at a point of sale and only upon the customer's
7 request. A food establishment or eating establishment may not otherwise make single-use
8 beverageware not made wholly or partly of plastic available to customers within the
9 establishment, including, but not limited to, through the use of a self-service station for
10 single-use beverageware.

11 A food establishment or eating establishment that provides single-use beverageware not
12 made wholly or partly of plastic to a customer pursuant to this subsection shall require the
13 customer to pay to the establishment a fee of not less than 5 cents for each such item of
14 single-use beverageware provided. Fees collected by a food establishment or eating
15 establishment pursuant to this subsection are to be retained by the establishment and may
16 be used for any lawful purpose.

17 **6. Violations.** A person who violates any provision of this section is subject to civil
18 penalties under section 349.

19 **SUMMARY**

20 Beginning January 1, 2022, this bill prohibits the manufacture and the sale and
21 distribution, at retail or wholesale, of single-use drinking straws, splash sticks and beverage
22 lid plugs made wholly or partly of plastic and prohibits food establishments and eating
23 establishments from providing such items to customers at a point of sale or otherwise
24 making such items available to customers. Food establishments and eating establishments
25 are authorized under the bill to provide, only upon the request of a customer and only at a
26 point of sale, single-use drinking straws, splash sticks or beverage lid plugs not made of
27 plastic as long as they collect a fee from the customer of not less than 5 cents for each such
28 item provided. Such establishments are authorized to retain and use such collected fees for
29 any lawful purpose.