

By: Representative Hudson

To: Judiciary A; Public Health and Human Services

HOUSE BILL NO. 1299

1 AN ACT TO DEFINE THE TERMS "SINGLE-USE PLASTIC STRAW" AND
2 "FOOD ESTABLISHMENT"; TO PROHIBIT A FOOD ESTABLISHMENT FROM
3 PROVIDING A SINGLE-USE PLASTIC STRAW TO A CONSUMER UNLESS
4 REQUESTED BY THE CONSUMER; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** The following words and phrases shall have the
7 meanings as defined in this section unless the context clearly
8 indicates otherwise:

9 (a) "Single-use plastic straw" means a single-use,
10 disposable tube made predominately of plastic derived from wither
11 petroleum or a biologically based polymer, such as corn or other
12 plant sources, used to transfer a beverage from a container to the
13 mouth of the person drinking the beverage. "Single-use plastic
14 straw" does not include a straw made from nonplastic materials,
15 including, but not limited to, paper, pasta, sugar cane, wood or
16 bamboo.

17 (b) "Food establishment" means all sales outlets,
18 stores, shops or other places of business located within the State
19 of Mississippi that operate primarily to sell or convey food



20 directly to the ultimate consumer, including any place where food
21 is prepared, mixed, cooked, baked, smoked, preserved, bottled,
22 packaged, handled, stored, manufactured and sold or offered for
23 sale, including, but not limited to, any fixed or mobile
24 restaurant, drive-in, coffee shop, cafeteria, short order cafe,
25 delicatessen, luncheonette, grill, sandwich shop, soda fountain,
26 tavern, bar, cocktail lounge, nightclub, roadside stand, prepared
27 food take-out place, catering kitchen, commissary, grocery store,
28 public food market, food stand or similar place in which food or
29 drink is prepared for sale or for service on the premises or
30 elsewhere, and any other establishment or operation where food is
31 processed, prepared, stored, served or provided for the public for
32 charge.

33 **SECTION 2.** (1) A food establishment shall not provide a
34 single-use plastic straw to a consumer unless requested by the
35 consumer.

36 (2) This section shall be enforced by the State Department
37 of Health. For a first or second violation of subsection (1),
38 the department shall issue a notice of violation to the food
39 establishment. Any subsequent violation shall constitute an
40 infraction punishable by a civil fine of Twenty-five Dollars
41 (\$25.00) for each day that the food establishment is in violation,
42 but not to exceed Three Hundred Dollars (\$300.00) annually. The
43 civil fine shall be assessed and collected by the department.



44 **SECTION 3.** This act shall take effect and be in force from
45 and after July 1, 2020.

