

Disposable Plastic Drinking Straws on Request Ordinance

FREQUENTLY ASKED QUESTIONS



Background

On March 1, 2019, the Los Angeles City Council approved Ordinance 186028, adding to Article 3 of Chapter XIX of the Los Angeles Municipal Code titled “*Disposable Foodware Accessories and Plastic Drinking Straws*”. This Ordinance prohibits food or beverage facilities in the City of Los Angeles from providing disposable plastic drinking straws to customers except upon customer request.

What does this City ordinance prohibit?

The ordinance prohibits Food or Beverage Facilities from providing or offering Disposable Plastic Drinking Straws to any Dine-in, Take-out, Drive-through, or Delivery Customer except upon customer request or having self-serve/self-service dispensers for Disposable Plastic Drinking Straws. Food or Beverage Facilities may not automatically provide Disposable Plastic Drinking Straws to a Drive-through or Delivery Customer, but may ask the customer if they want one.

All Food or Beverage Facilities shall display on their premises advisory notices informing customers of the Disposable Plastic Straw on Request Ordinance.

When will this City ordinance go into effect?

1. As of April 22, 2019, the ordinance is in effect for Large Food or Beverage Facilities having more than 26 employees.
2. As of October 1, 2019, the ordinance is in effect for all other Food or Beverage Facilities.

Which businesses are exempted from this City ordinance?

Facilities

This Ordinance does not apply to the following facilities:

- Licensed Health Facilities, as defined in Section 1250 of the California Health and Safety Code, shall be exempt from the requirements of this article.

How will this City ordinance be enforced?

LASAN has been authorized to participate in the Administrative Citation Enforcement Program (ACE) and is authorized to enforce the ordinance provisions in the most effective manner to ensure compliance, and to provide outreach and education in the issuance of Administrative Citations.

What will the fines be for violations of the City Ordinance?

The administrative fines for an administrative violation of the Disposable Plastic Straws on Request Ordinance are as follows:

1. A written notice for the first and second violation;
2. An administrative fine of twenty five (\$25) for a third violation or any subsequent violation of the same code provision, statute, ordinance, order, condition or requirement. The administrative fine shall be imposed for each day on the Food or Beverage Facility is in violation, but shall not exceed \$300 per calendar year.

Key Definitions

“**Customer**” means an individual, the individual’s agent, or caregiver.

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“Delivery Customer” means a Customer who purchases a Prepared Food or Beverage from a Food or Beverage Facility or Third-party Food Delivery Service and has the Prepared Food or Beverage delivered to them by a Food or Beverage Facility or Third-party Food Delivery Service.

“Dine-in Customer” means a Customer who purchases Prepared Food or Beverages at a Food or Beverage Facility and consumes it on the premises of the Food or Beverage Facility.

“Disposable Plastic Drinking Straw” means a hollow tube for sucking a liquid or semi-liquid substance that constitutes Prepared Food or Beverages, which is designed for a single use, and made from fossil fuel based polymers including, but not limited to, high-density polyethylene, low-density polyethylene, polyethylene terephthalate, polystyrene, polypropylene, polyvinyl chloride, polycarbonate that can be molded or blown into shape while soft and then set into a rigid or slightly elastic form, and any straw made from or labeled “bioplastic/compostable/poly-lactic acid (PLA).”

“Drive-through Customer” means a Customer who purchases Prepared Food or Beverages at a Food or Beverage Facility and is provided the Prepared Food and/or Beverages without leaving their vehicle.

“Food or Beverage Facility” means a facility located in the City that sells or otherwise provides Prepared Food or Beverages for consumption on or off its premises, and includes, but is not limited to, a shop, sales outlet, restaurant, bar, pub, coffee shop, coffee stand, juice and/or smoothie bar, cafeteria, caterer, convenience store, liquor store, grocery store, supermarket, delicatessen, farmers market, theater, mobile food truck, roadside stand, kiosks, carts, a Vendor (as defined in Section 42.13 in the Los Angeles Municipal Code or any successor provision) or any organization, group, or individual that regularly provides Prepared Food or Beverages as part of its service.

“Large” means having more than 26 employees. If a Food or Beverage Facility or Retail Establishment is part of a Statewide or National Vendor, the employee count shall include all employees of that chain.

“Prepared Food or Beverage” means foods or beverages which are prepared by cooking, chopping, slicing, mixing, freezing, squeezing, brewing, boiling, steeping, pouring, or other processing and that require no further preparation by the customer before consumption. “Prepared Food or Beverage” does not include raw uncooked whole fruits or vegetables which are not chopped, squeezed, or mixed or raw uncooked meat products.

“Statewide or National Food or Beverage Vendor” means any Food or Beverage Facility located in the City that is part of a chain of franchised or corporate-owned Food or Beverage Facilities located in the City and in more than one other jurisdiction out of the City.

“Take-out Customer” means a Customer who purchases Prepared Food or Beverages from a Food or Beverage Facility or Third-party Food Delivery Service and consumes it off the premises of the Food or Beverage Facility.

For more information about the City's Zero Waste initiatives, please visit lacitysan.org/sourcereduction.