

HB 1207-FN - AS INTRODUCED

2024 SESSION

24-2270

10/05

HOUSE BILL

1207-FN

AN ACT relative to single-use disposable plastic foodware accessories.

SPONSORS: Rep. Caplan, Merr. 8; Rep. Parshall, Ches. 8; Rep. Bixby, Straf. 13; Rep. Read, Rock. 10; Rep. Germana, Ches. 1; Rep. Dutzy, Hills. 6

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill prohibits certain food service facilities from having self serve/self-service disposable plastic foodware accessory dispensers, and from providing or offering disposable plastic foodware accessories to any customer, except upon request of that customer.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to single-use disposable plastic foodware accessories.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Purpose. In furtherance of the state's goals to reduce waste, promote equity and
2 environmental justice, and address the impacts of climate change, the purpose of this act is to reduce
3 the automatic dispensing of single-use disposable plastic foodware accessories, including utensils,
4 straws, stirrers, and condiment packets to reduce waste and the associated health costs. Disposable,
5 single-use plastic foodware accessories, such as utensils, straws, stirrers, and condiment packets
6 contribute to the 8,000,000 tons of plastic pollution that enter the ocean, while also contributing to
7 the litter in our communities and in the waste stream that disproportionately burdens our towns
8 and cities, and are not recyclable or compostable.

9 2 New Chapter; Single Use Disposable Plastic Foodware Accessories. Amend RSA by inserting
10 after chapter 359-U the following new chapter:

CHAPTER 359-V

SINGLE USE DISPOSABLE PLASTIC FOODWARE ACCESSORIES

13 359-V:1 Definitions. In this chapter:

14 I. "Condiment packets" mean any packaged condiments, including, but not limited to,
15 condiments in packets, cups, or other containers for condiments that are sealed or resealable and
16 intended for single-use.

17 II. "Disposable plastic drinking straw" means a thin, hollow tube for sucking a liquid or
18 semi-liquid substance that constitutes prepared food or beverages, which is designed for a single-use
19 and made from fossil fuel based polymers, including, but not limited to, high-density polyethylene,
20 low-density polyethylene, polyethylene terephthalate, polystyrene, polypropylene, polyvinyl chloride,
21 polycarbonate that can be molded or blown into shape while soft and then set into a rigid or slightly
22 elastic form.

23 III. "Food delivery platform" has the same meaning as food delivery platform in RSA 359-
24 V:1, I(a).

25 IV. "Food service establishment" has the same meaning as food service establishment in
26 RSA 143-A:3, IV.

27 V. "Large food or beverage facility" means a food or beverage establishment with more than
28 26 employees. If the food or beverage establishment is part of a statewide or national food or
29 beverage chain of establishments, the employee count shall include all employees of that chain.

30 VI. "Single use disposable plastic foodware accessory" means any type of disposable plastic
31 item that accompanies a prepared food or beverage. This includes, but is not limited to, utensils,

HB 1207-FN - AS INTRODUCED
- Page 2 -

condiment packets, disposable plastic drinking straws and all other plastic stirrers, splash sticks, cocktail sticks, toothpicks, cup lids, cup sleeves, and beverage trays.

VII. "Retail food store" has the same meaning as retail food store in RSA 143-A:3, VII.

359-V:2 Prohibition; Single Use Plastic Foodware Accessories.

I.(a) A large food or beverage facility, food service establishment, or retail food store, shall display on their premises advisory notices informing customers about the ban on automatic dispensing of single use plastic foodware accessories and the environmental impact of said items.

(b) A large food or beverage facility, food service establishment, or retail food store, shall be prohibited from having self serve/self-service disposable plastic foodware accessory dispensers, and from providing or offering disposable plastic foodware accessories to any customer, except upon request of that customer.

(c) A large food or beverage facility food service establishment, retail food store, or large food or beverage facility, can choose whether to provide specific single use disposable plastic foodware accessories to a drive-through, take-out, or delivery customer to prevent spills or for safe transport or delivery of a prepared food or beverage, such as cup lids, cup sleeves, and beverage trays, even without a customer request.

(d) A large food or beverage facility with a food delivery platform or using a third-party food delivery platform shall:

(1) Identify the available single use disposable plastic foodware accessories that customers may request in an online order;

(2) Include on any online ordering platform an "opt-in" option for a customer placing an online order to request single use disposable plastic foodware accessories;

(3) Not provide single use plastic disposable foodware accessories to any customer who does not affirmatively "opt-in" to request said items as part of a pick-up or delivery of an online order; and

(4) May choose whether to provide some specific single use disposable plastic foodware accessories to prevent spills or for safe delivery of a prepared food or beverage, such as cup lids, cup sleeves, and beverage trays, even without a customer request.

II. The prohibition in paragraph I for all food service establishments and retail food stores, and the penalty under RSA 359-V:3, shall not apply until January 1, 2026. The prohibition in paragraph I for large food or beverage facility shall apply beginning January 1, 2025.

III. Nothing in this chapter shall prohibit an establishment from providing a disposable plastic drinking straw or other disposable straw that is included as part of a product that is pre-packaged by a manufacturer, such as a juice box.

359-V:3 Penalties. Any food service establishment, retail food store, or large food or beverage facility that violates this chapter shall be guilty of a violation and fined \$100 for each day in violation.

1 3 Effective Date. This act shall take effect January 1, 2025.

**HB 1207-FN- FISCAL NOTE
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AN ACT relative to single-use disposable plastic foodware accessories.

FISCAL IMPACT: ☒ State ☒ County ☒ Local ☐ None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association