

2022 -- H 7545

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO FOOD AND DRUGS -- SANITATION IN FOOD ESTABLISHMENTS --  
SINGLE USE PLASTIC STRAWS

Introduced By: Representatives Newberry, Place, Fenton-Fung, McLaughlin, and Noret

Date Introduced: February 18, 2022

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 21-27-1 of the General Laws in Chapter 21-27 entitled "Sanitation in  
2 Food Establishments" is hereby amended to read as follows:

3 **21-27-1. Definitions.**

4 Unless otherwise specifically provided in this chapter, the following definitions apply to  
5 this chapter:

6 (1) "Approved" means approved by the director.

7 (2) "Commissary" means a central processing establishment where food is prepared for  
8 sale or service off the premises or by mobile vendor.

9 (3) "Department" means the department of health.

10 (4) "Director" means the director of health or the director's duly appointed agents.

11 (5) "Farmers market" means a market where two (2) or more farmers are selling produce  
12 exclusively grown on their own farms on a retail basis to consumers. Excluded from this term is  
13 any market where farmers or others are selling produce at wholesale and/or any market in which  
14 any individual is selling produce not grown on his or her own farm.

15 (6) "Farm home food manufacture" means the production in accordance with the  
16 requirements of § 21-27-6.1 of food for retail sale in a residential kitchen on a farm which produces  
17 agricultural products for human consumption and the operator of which is eligible for exemption  
18 from the sales and use tax in accordance with § 44-18-30(32).

1 (7) "Food" means: (i) articles used for food or drink for people or other animals, (ii)  
2 chewing gum, and (iii) articles used for components of any food or drink article.

3 (8) "Food business" means and includes any establishment or place, whether fixed or  
4 mobile, where food or ice is held, processed, manufactured, packaged, prepared, displayed, served,  
5 transported, or sold.

6 (9) "Food service establishment" means any fixed or mobile restaurant, coffee shop,  
7 cafeteria, short-order cafe, luncheonette, grill, tearoom, sandwich shop, [drive-through and take-out](#)  
8 [establishment](#), soda fountain, tavern; bar, cocktail lounge, night club, roadside stand, industrial  
9 feeding establishment, cultural heritage education facility, private, public or nonprofit organization  
10 or institution routinely serving food, catering kitchen, commissary or similar place in which food  
11 or drink is prepared for sale or for service on the premises or elsewhere, and any other eating or  
12 drinking establishment or operation where food is served or provided for the public with or without  
13 charge.

14 (10) "Mobile food service unit" means a unit that prepares and/or sells food products for  
15 direct consumption.

16 (11) "Person" means any individual, firm, co-partnership, association, or private or  
17 municipal corporation.

18 (12) "Processor" means one who combines, handles, manufactures or prepares, packages,  
19 and stores food products.

20 (13) "Operator" in relation to food vending machines means any person who by contract,  
21 agreement, lease, rental, or ownership sells food from vending machines.

22 (14) "Retail" means when eighty percent (80%) or more of sales are made directly to  
23 consumers.

24 (15) "Retail peddler" means a food business which sells meat, seafood, and dairy products  
25 directly to the consumer, house to house or in a neighborhood.

26 (16) "Roadside farmstand" means a stand or location adjacent to a farm where produce  
27 grown only on that farm is sold at the time of harvest.

28 (17) "Vending machine site or location" means the room, enclosure, space, or area where  
29 one or more vending machines are installed and/or operated.

30 (18) "Warehouse" means a place for the storage of dried, fresh, or frozen food or food  
31 products, not including those areas associated within or directly part of a food service establishment  
32 or retail market.

33 (19) "Wholesale" means when eighty percent (80%) or more of the business is for resale  
34 purposes.

1 (20) "Cultural heritage education facility" means a facility for up to ten (10) individuals  
2 who, for a fee, participate in the preparation and consumption of food, limited to an owner-occupied  
3 site documented to be at least one hundred fifty (150) years old and whose drinking water shall be  
4 obtained from an approved source which meets all of the requirements of chapter 46-13.

5 SECTION 2. Sections 21-27.2-1 and 21-27.2-2 of the General Laws in Chapter 21-27.2  
6 entitled "Single-Use Plastic Straws [Effective January 1, 2022.]" are hereby amended to read as  
7 follows:

8 **21-27.2-1. Definitions. [Effective January 1, 2022.]**

9 As used in this chapter:

10 (1) "Food service establishment" shall have the meaning set forth in § 21-27-1 [and include](#)  
11 [drive-through and take-out establishments](#).

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

17 **21-27.2-2. Prohibited practices exception. [Effective January 1, 2022.]**

18 A food service establishment shall not provide a single-use plastic straw to a consumer  
19 unless requested by the consumer, [except with regard to the service received by a drive-through or](#)  
20 [take-out establishment](#).

21 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO FOOD AND DRUGS -- SANITATION IN FOOD ESTABLISHMENTS --  
SINGLE USE PLASTIC STRAWS

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- 1           This act would exempt drive-through and take-out establishments from providing a plastic
- 2 straw only upon request by the consumer.
- 3           This act would take effect upon passage.

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