

AMENDMENT TO ORDER 61-19/20
PREPARED BY CORPORATION COUNSEL
FOR COUNCILOR COOK
RE: Access to Plastic Straws on Request

ARTICLE VIII. POLYSTYRENE AND PLASTIC

DIVISION 1. POLYSTYRENE

Sec. 12-210. Findings; purposes.

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DIVISION 2. PLASTIC

Sec. 12-220. Findings; purposes.

The City Council hereby finds as follows:

(a) The City of Portland is committed to environmental leadership; and

(b) The City Council desires to conserve resources and reduce greenhouse gas emissions, waste, litter, and pollution; and

(c) Discarded plastic beverage straws, stirrers, and splash sticks threaten wildlife and degrade and litter the beaches and water off Maine's coast, including areas within the City; and

(d) Reducing the distribution of plastic beverage straws, stirrers, and splash sticks provided to customers decreases the amount of plastic that may end up in our environment through litter, windblown debris, and overflowing trash cans; and

(e) The City finds there are reasonable, environmentally friendly alternatives to plastic beverage straws, stirrers, and splash sticks;

~~(e)~~(f) The City Council recognizes the need to ensure that plastic beverage straws remain available to those who require them for consumption of hot and cold liquids and seeks to protect the privacy and dignity of those requesting a plastic beverage straw; and

~~(f)~~(g) The City Council has determined that it is in the best interest of the residents of the City to promote the public health, safety, and general welfare by enacting procedures and

prohibitions regarding the distribution of plastic beverage straws, stirrers, and splash sticks to reduce waste.

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Sec. 12-222. Prohibition on Distribution, Sale or Use of Plastic Beverage Straws, Stirrers, and Splash Sticks.

(a) Plastic beverage straws, stirrers, and splash sticks shall not be sold, or distributed within the City of Portland except as expressly permitted under Section 12-223 below.

(b) Nothing in this section precludes a food provider, beverage provider, special event permittee, or any person from using, providing, distributing, or selling non-plastic alternatives to plastic beverage straws, stirrers, or splash sticks ~~available~~ to customers on request.

Sec. 12-223. Exceptions

(a) Exceptions. The prohibition outlined in this ordinance shall not apply to:

1. Pre-packaged drinks sold at commercial establishments;
2. Bulk packages of plastic straws sold by food or beverage providers;
3. Use by medical or dental facilities;
4. Use during a locally declared emergency; or
5. ~~Use on request by~~Distribution individuals with a disability or other impairment requiring use of a plastic beverage straw on request by an individual for a plastic beverage straw.

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Sec. 12-226. Effective Date.

The provisions of this ordinance shall become effective utilizing a phased approach. As of April 1, 2020, a food provider may only supply a plastic beverage straw, stirrer, or splash stick on request. As of January 1, 2021, distribution or provision of plastic beverage straws, stirrers, and splash sticks is prohibited except as otherwise permitted herein. Non-plastic alternatives to plastic beverage straws, stirrers and splash sticks may be provided on request.