

LAW PASSED PROHIBITING THE DISTRIBUTION OF DISPOSABLE PLASTIC UTENSILS IN COMMERCIAL ESTABLISHMENTS IN THE CITY OF SÃO PAULO

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After the entry into force of Law No. 17,110/19, which prohibits the supply of plastic straws, Law No. 17,261/20, which prohibits the distribution of plastic disposables in commercial establishments in São Paulo starting next year, was passed on January 13.

As a result, it will be forbidden to provide customers with disposable plastic utensils such as cups, plates, cutlery, beverage stirrers, and balloon sticks. The ban extends to children's party spaces, nightclubs, dance halls, cultural events, and others.

Instead of plastic products, the law suggests offering others with the same functions, but made of materials considered biodegradable, compostable, and/or reusable, to allow recycling after use.

As the municipal law will come into effect on January 1, 2021, merchants will have one year to make the necessary changes in their establishments. As with the supply of plastic straws, it is possible that other municipalities will pass similar laws and regulations.

The new law does not prohibit the sale of plastic disposables, only the supply thereof to customers for immediate use. In any case, the measure is expected to affect trade in these products considerably.

The Brazilian Plastic Industry Association (Abiplast) has published criticism on its website^[1] regarding the approval of rules that prohibit the use of plastic utensils, since there has been no actual discussion of improvement in solid waste management in Brazil, an issue essential for the proper final disposal of any waste, including those containing plastics.

According to the association, "prohibition laws bring about legal uncertainty, interfere with the competitiveness and financial planning of companies, causing an impact on investments, job creation, and even the maintenance of industrial activity.

As with the ban on plastic bags and straws, the measure should provoke great debate on the constitutionality of municipal laws that prohibit the distribution of certain products and materials. Especially since, as of January 1, 2021, commercial establishments that fail to adapt will be subject to penalties ranging from the application of warnings and subpoenas for adapting the activity to monetary fines and, in more serious cases, closing the business.

[1]<http://www.abiplast.org.br/noticias/lei-de-proibicao-de-fornecimento-de-produtos-plasticos-posicionamento-abiplast/>.

