



LEGAL ALERT

São Paulo municipality sanctions law prohibiting establishments from providing disposable plastic utensils

Last Monday, January 13th, 2020, the municipal law No. 17,261/2020 was enacted prohibiting business establishments in the city of São Paulo from providing disposable plastic utensils to customers, under penalty of a fine up to R\$ 8,000.00 and the closing of the establishment in case of recurrence.

The new law is an expansion of the 2019 ban on plastic straws. According to it, from January 1st, 2021, cups, plates, cutlery, drink stirrers and disposable plastic balloon sticks are also prohibited. These materials may be replaced by reusable plastic or biodegradable material.

Although there may be claims against the new legislation, it is important to stress that in the case of the ban on plastic bags, which occurred in 2011 in the city of São Paulo, the Federal Supreme Court consolidated the understanding that municipalities are competent to edit this type of rule for environmental protection.

The first Brazilian municipality to sanction a similar law was São Luís do Maranhão, with Municipal Law No. 6,554 / 19, which determined a period of 120 days for the regularization of establishments and public agencies. There is also a federal bill that provides for a similar ban nationwide, such as countries like England and France that have banned the use of disposable plastic on their territories.

For more information, please contact the Environmental Team of Gasparini, Nogueira de Lima de Barbosa Advogados