

STATE OF NEW YORK

6949--B

2025-2026 Regular Sessions

IN ASSEMBLY

March 18, 2025

Introduced by M. of A. KASSAY, ROSENTHAL, BORES, P. CARROLL, CONRAD, ROZIC, VALDEZ, GONZALEZ-ROJAS, ROMERO, STIRPE, SHRESTHA, SCHIAVONI, KAY, LEVENBERG, SHIMSKY, LUNSFORD, MCMAHON, BRONSON, KELLES, OTIS, FALL, GALLAGHER, TAPIA, K. BROWN, STERN, STECK, GLICK, LAVINE -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law and the state finance law, in relation to food service item waste reduction

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article 27 of the environmental conservation law is amended by adding a new title 34 to read as follows:

TITLE 34

FOOD SERVICE ITEM WASTE REDUCTION

Section 27-3401. Definitions.

27-3403. Restriction on providing excess food service items.

27-3405. Violations.

27-3407. Preemption.

§ 27-3401. Definitions.

As used in this title, the following terms shall have the following meanings:

1. "Condiment" means an individual, single-use container, sealed by the manufacturer, containing a sauce or other substance used to enhance the flavor of food, including but not limited to, ketchup, mustard, mayonnaise, hot sauce, salt, or pepper.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 2. "Customer" means an individual who receives or purchases food or
2 beverages from a public food service establishment on a take-out, drive-
3 thru, or delivery basis.

4 3. "Eating container" means a tool used for holding food or beverages,
5 including but not limited to, a plate, bowl, cup, or lid.

6 4. "Napkin" means a piece of cloth or paper used to wipe a person's
7 hands or face or protect garments while eating.

8 5. "Public food service establishment" means a premises or part of a
9 premises where food is provided directly to a person, whether such food
10 is provided free of charge or sold, and whether consumption occurs on or
11 off the premises or is provided from a pushcart, stand or vehicle. Food
12 service establishment shall include, but not be limited to, full-service
13 restaurants, fast food restaurants, cafes, delicatessens, coffee shops,
14 bars, nightclubs, grocery stores, vending trucks or carts and cafeteri-
15 as.

16 6. "Third-party food delivery service" shall have the same meaning as
17 in section three hundred ninety-one-v of the general business law.

18 7. "Single-use utensil" means a single-use tool used for eating or
19 drinking, including, but not limited to, a knife, fork, spoon, drinking
20 straw, beverage stirrer or chopsticks, that is designed for one-time use
21 and is composed in whole or in part of plastic, paper, or other dispos-
22 able material.

23 § 27-3403. Restriction on providing excess food service items.

24 1. No public food service establishment operating in the state shall
25 provide single-use utensils, condiments, napkins or extra eating
26 containers to a customer, whether directly to such customer or through a
27 third-party food delivery service, except upon, and in accordance with,
28 the express request of such customer. The provisions of this subdivision
29 shall apply to all meals ordered for the purposes of consuming meals
30 off-site from the public food service establishment regardless of wheth-
31 er the customer's meal order is placed in person, over the phone,
32 online, or using other available means or methods.

33 2. Any public food service establishment that elects to supply custom-
34 ers with single-use utensils, condiments, napkins or extra eating
35 containers upon request, as authorized by subdivision one of this
36 section, shall provide each customer with only those types and amounts
37 of single-use utensils, condiments, napkins or extra eating containers
38 that have been expressly requested thereby.

39 3. Nothing in this section shall be deemed to require a public food
40 service establishment to provide any single-use utensils, condiments,
41 napkins or extra eating containers to customers, upon their request, as
42 authorized by subdivision one of this section.

43 4. A public food service establishment maintaining a self-service
44 station at which single-use utensils, condiments, napkins or extra
45 eating containers are offered shall not be a violation of subdivision
46 one of this section.

47 5. Nothing in this section shall be construed to restrict or regulate
48 the provision of reusable or non-disposable utensils, including metal or
49 other reusable utensils, for on-premises dining.

50 § 27-3405. Violations.

51 1. Any public food service establishment that violates any provision
52 of this title shall receive a warning notice for the first such
53 violation and a civil penalty of up to one hundred dollars for any
54 subsequent violation in the same calendar year. For purposes of this
55 section, each commercial transaction shall constitute no more than one

1 violation. A hearing or opportunity to be heard shall be provided prior
2 to the assessment of any civil penalty.

3 2. The department, the department of agriculture and markets, and the
4 attorney general are hereby authorized to enforce the provisions of this
5 title, and all monies collected shall be deposited to the credit of the
6 environmental protection fund established pursuant to section ninety-
7 two-s of the state finance law.
8 § 27-3407. Preemption.

9 This title shall not apply in a city with a population of one million
10 or more that has a local law, ordinance or regulation in place that
11 restricts the provision of single-use utensils, condiments, napkins and
12 extra eating containers by a public food service establishment to a
13 customer and is not in conflict with this title.

14 § 2. Subdivision 3 of section 92-s of the state finance law, as
15 amended by section 3 of part YY of chapter 58 of the laws of 2025, is
16 amended to read as follows:

17 3. Such fund shall consist of the amount of revenue collected within
18 the state from the amount of revenue, interest and penalties deposited
19 pursuant to section fourteen hundred twenty-one of the tax law, the
20 amount of fees and penalties received from easements or leases pursuant
21 to subdivision fourteen of section seventy-five of the public lands law
22 and the money received as annual service charges pursuant to section
23 four hundred four-n of the vehicle and traffic law, all moneys required
24 to be deposited therein from the contingency reserve fund pursuant to
25 section two hundred ninety-four of chapter fifty-seven of the laws of
26 nineteen hundred ninety-three, all moneys required to be deposited
27 pursuant to section thirteen of chapter six hundred ten of the laws of
28 nineteen hundred ninety-three, repayments of loans made pursuant to
29 section 54-0511 of the environmental conservation law, all moneys to be
30 deposited from the Northville settlement pursuant to section one hundred
31 twenty-four of chapter three hundred nine of the laws of nineteen
32 hundred ninety-six, provided however, that such moneys shall only be
33 used for the cost of the purchase of private lands in the core area of
34 the central Suffolk pine barrens pursuant to a consent order with the
35 Northville industries signed on October thirteenth, nineteen hundred
36 ninety-four and the related resource restoration and replacement plan,
37 the amount of penalties required to be deposited therein by section
38 71-2724 of the environmental conservation law, all moneys required to be
39 deposited pursuant to article thirty-three of the environmental conser-
40 vation law, all fees collected pursuant to subdivision eight of section
41 70-0117 of the environmental conservation law, all moneys collected
42 pursuant to title thirty-three of article fifteen of the environmental
43 conservation law, beginning with the fiscal year commencing on April
44 first, two thousand thirteen, nineteen million dollars, and all fiscal
45 years thereafter, twenty-three million dollars plus all funds received
46 by the state each fiscal year in excess of the greater of the amount
47 received from April first, two thousand twelve through March thirty-
48 first, two thousand thirteen or one hundred twenty-two million two
49 hundred thousand dollars, from the payments collected pursuant to subdi-
50 vision four of section 27-1012 of the environmental conservation law and
51 all funds collected pursuant to section 27-1015 of the environmental
52 conservation law, all moneys required to be deposited pursuant to
53 sections 27-2805 and 27-2807 of the environmental conservation law, all
54 moneys collected pursuant to section 71-2730 of the environmental
55 conservation law, all moneys required to be deposited pursuant to
56 section seven hundred sixty-five of the general business law, all moneys

1 required to be deposited pursuant to section 27-3205 of the environ-
2 mental conservation law, all moneys required to be deposited pursuant to
3 section 27-3405 of the environmental conservation law, and all other
4 moneys credited or transferred thereto from any other fund or source
5 pursuant to law. All such revenue shall be initially deposited into the
6 environmental protection fund, for application as provided in subdivi-
7 sion five of this section.

8 § 3. This act shall take effect one year after it shall have become a
9 law. Effective immediately, the addition, amendment and/or repeal of any
10 rule or regulation necessary for the implementation of this act on its
11 effective date are authorized to be made and completed on or before such
12 effective date.