

# STATE OF NEW YORK

3052

2021-2022 Regular Sessions

## IN ASSEMBLY

January 22, 2021

Introduced by M. of A. FAHY, ENGLEBRIGHT, SIMON, STECK, STIRPE, GOTTFRIED, GRIFFIN, L. ROSENTHAL, THIELE -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to requiring food service establishments to permit the use of reusable beverage and food containers provided by customers

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "right to refill act".

3 § 2. The public health law is amended by adding a new section 1352-f  
4 to read as follows:

5 § 1352-f. Reusable beverage and food containers provided by customers.

6 1. Definitions. For purposes of this section, the following terms shall  
7 have the following meanings:

8 a. "Food service establishment" shall mean a public place engaged in  
9 the preparation and service on the premises of food and to the general  
10 public.

11 b. "Reusable beverage container" shall mean a bottle, mug, cup or  
12 other container that is designed and manufactured to hold beverages and  
13 is capable of multiple reuse.

14 c. "Single-use" shall mean a product that is designed and intended to  
15 be used only once for drinking or eating, and is generally recognized by  
16 the public as an item that is to be discarded after one use.

17 d. "Disposable food service container" shall mean all containers,  
18 bowls, plates, trays, cartons, cups, lids and other items that are  
19 designed or generally recognized by the public as being designed for  
20 single-use to hold, contain, or transport foods, including but not  
21 limited to, containers for leftovers from partially consumed meals  
22 prepared by food service establishments. The term "disposable food

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

LBD07003-01-1

1 service container" shall not include items composed entirely of aluminum  
2 or polystyrene foam coolers and ice chests that are intended for reuse.

3 e. "Reusable food container" shall mean all containers, bowls, plates,  
4 trays, cartons, cups, lids and other items that are designed and manu-  
5 factured to hold food and are capable of multiple reuse.

6 2. Requirements. a. Any food service establishment in the state that  
7 serves beverages to customers in single-use containers shall not refuse  
8 the request of a customer who has ordered a beverage to serve such  
9 beverage in a reusable beverage container provided by the customer in  
10 substitution for the single-use container provided by the food service  
11 establishment, provided that:

12 (i) Such reusable beverage container is capable of and appropriate for  
13 serving such beverage, as determined based on the size, cleanliness,  
14 material, and any other relevant factors, of the reusable beverage  
15 container; and

16 (ii) Such beverage shall be dispensed in a manner that prevents  
17 contact with, or contamination of, the food-contact surfaces of the  
18 beverage dispensing equipment.

19 b. Any food service establishment in the state that serves food to  
20 customers in disposable food service containers shall not refuse the  
21 request of a customer who has leftovers from partially consumed meals to  
22 package such leftovers in a reusable food container provided by the  
23 customer in substitution for the disposable food service container  
24 provided by the food service establishment, provided that:

25 (i) Such reusable food container is capable of and appropriate for  
26 packaging such leftovers, as determined based on the size, cleanliness,  
27 material, and any other relevant factors, of the reusable food contain-  
28 er; and

29 (ii) Such leftovers shall be packaged in a manner that prevents  
30 contact with, or contamination of, the food-contact surfaces of the food  
31 serving equipment.

32 3. Notification. a. Every food service establishment in the state that  
33 serves beverages to customers in single-use containers shall conspicu-  
34 ously post signage informing customers that they are permitted to  
35 request the service of beverages in their own reusable beverage contain-  
36 ers.

37 b. Every food service establishment in the state that serves food to  
38 customers in disposable food service containers shall conspicuously post  
39 signage informing customers that they are permitted to request the pack-  
40 aging of leftovers from partially consumed meals in their own reusable  
41 food containers.

42 § 3. This act shall take effect one year after it shall have become a  
43 law.