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:

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

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

§ 1352-f. Reusable beverage and food containers provided by customers. 1. Definitions. For purposes of this section, the following terms shall have the following meanings:

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

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

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

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

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

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

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

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

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

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

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

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

3. Notification. a. Every food service establishment in the state that serves beverages to customers in single-use containers shall conspicuously post signage informing customers that they are permitted to request the service of beverages in their own reusable beverage containers.

b. Every food service establishment in the state that serves food to customers in disposable food service containers shall conspicuously post signage informing customers that they are permitted to request the packaging of leftovers from partially consumed meals in their own reusable food containers.

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