

# STATE OF NEW YORK

2079

2023-2024 Regular Sessions

## IN SENATE

January 18, 2023

Introduced by Sens. KAVANAGH, KRUEGER -- read twice and ordered printed,  
and when printed to be committed 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 Assem-  
bly, 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  
23 service container" shall not include items composed entirely of aluminum  
24 or polystyrene foam coolers and ice chests that are intended for reuse.

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

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

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

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

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

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

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

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

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

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

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