STATE OF NEW YORK

8007--B

2025-2026 Regular Sessions

IN ASSEMBLY

April 21, 2025

Introduced by M. of A. KELLES, WOERNER, BUTTENSCHON, TAYLOR, LUPARDO, SIMON, STECK, ZACCARO, ROSENTHAL, GLICK, GONZALEZ-ROJAS, SHIMSKY, SIMONE, REYES, LUCAS, GALLAGHER, COLTON -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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 where prepared food is sold for individual portion service, whether consumption occurs on or off the premises. This term does not include retail food stores.

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 reuses.

c. "Single-use container" shall mean a container 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.

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

LBD09094-11-6

d. "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 reuses.

2. Requirements. a. Any food service establishment in the state that serves beverages to customers in single-use containers shall instead, at the request of a customer who has ordered a beverage, serve such beverage in a reusable beverage container supplied by the customer, provided that:

(i) Such reusable beverage container appears appropriate for serving such beverage, based on a reasonable visual inspection by a food service establishment employee as to the container's cleanliness, size and material;

(ii) Such container is cleaned and sanitized in accordance with health department regulations by a food service establishment employee prior to refilling; and

(iii) Such beverage is 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 single-use containers shall instead, at the request of a customer who has leftovers from partially consumed meals, package such leftovers in a reusable food container supplied by the customer, provided that:

(i) Such reusable food container appears appropriate for packaging such leftovers, based on a reasonable visual inspection by a food service establishment employee as to the container's cleanliness, size and material;

(ii) Such container is cleaned and sanitized in accordance with health department regulations by a food service establishment employee prior to refilling; and

(iii) Such leftovers are 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 single-use 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.

4. Takeout opt-in. a. Any food service establishment in the state that serves food for takeout in single-use containers may, at their discretion and at the request of a customer, serve food in a reusable food container supplied by the customer, provided that:

(i) such reusable container appears appropriate for serving the food, based on a reasonable visual inspection by a food service establishment employee as to the container's cleanliness, size, and material;

(ii) such container is cleaned and sanitized in accordance with health department regulations by a food service establishment employee prior to refilling; and

(iii) the food is served in a manner that avoids contact with, or contamination of, the food-contact surfaces of the food serving equipment.

b. A food service establishment in the state that chooses to serve food for takeout in reusable food containers supplied by customers shall conspicuously post signage informing customers that they are permitted to request that food for takeout be served in the customer's own reusable food container.

5. Nothing in this section shall require a food service establishment to fill a customer's reusable beverage container or reusable food container if the establishment determines, based on reasonable concerns related to food safety or operational feasibility, that such container is not appropriate.

6. Liability. Nothing in this section shall be construed to impose liability on a food service establishment that, in good faith, accepts a reusable beverage container or reuseable food container provided by a customer, including claims related to foodborne illness, alleged contamination, or the condition, safety, or integrity of the container, provided that the establishment complies with the applicable provisions of this section.

7. Rulemaking authority. The commissioner shall promulgate rules and regulations establishing standards for safe handling by food service establishments of reusable beverage containers and reusable food containers provided by customers and for the incorporation of such standards into health inspections of food service establishments. In promulgating such rules and regulations, the commissioner shall consider input from local health departments, food service establishments, and other relevant stakeholders.

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