

# STATE OF NEW YORK

7408--A

2025-2026 Regular Sessions

## IN SENATE

April 15, 2025

Introduced by Sens. FAHY, HARCKHAM, HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, 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:

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 where  
9 prepared food is sold for individual portion service, whether consump-  
10 tion occurs on or off the premises. This term does not include retail  
11 food stores.

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

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

19 d. "Reusable food container" shall mean all containers, bowls, plates,  
20 trays, cartons, cups, lids and other items that are designed and manu-  
21 factured to hold food and are capable of multiple reuses.

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

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

6 (i) Such reusable beverage container appears appropriate for serving  
7 such beverage, based on a reasonable visual inspection of the contain-  
8 er's cleanliness, size and material; and

9 (ii) Such beverage is dispensed in a manner that prevents contact  
10 with, or contamination of, the food-contact surfaces of the beverage  
11 dispensing equipment, either by isolating the customer-owned container  
12 from the food serving surface or by sanitizing the food serving surface  
13 after each such filling.

14 b. Any food service establishment in the state that serves food to  
15 customers in single-use containers shall instead, at the request of a  
16 customer who has leftovers from partially consumed meals, package such  
17 leftovers in a reusable food container supplied by the customer,  
18 provided that:

19 (i) Such reusable food container appears appropriate for packaging  
20 such leftovers, based on a reasonable visual inspection of the contain-  
21 er's cleanliness, size and material; and

22 (ii) Such leftovers are packaged in a manner that prevents contact  
23 with, or contamination of, the food-contact surfaces of the food serving  
24 equipment, either by isolating the customer-owned container from the  
25 food serving surface or by sanitizing the food serving surface after  
26 each such filling.

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

32 b. Every food service establishment in the state that serves food to  
33 customers in single-use containers shall conspicuously post signage  
34 informing customers that they are permitted to request the packaging of  
35 leftovers from partially consumed meals in their own reusable food  
36 containers.

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

41 (i) such reusable container appears appropriate for serving the food,  
42 based on a reasonable visual inspection of the container's cleanliness,  
43 size, and material; and

44 (ii) the food is served in a manner that avoids contact with, or  
45 contamination of, the food-contact surfaces of the food serving equip-  
46 ment, either by isolating the customer-owned container from the food  
47 serving surface or by sanitizing the food serving surface after each  
48 such filling.

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

54 5. Nothing in this section shall require a food service establishment  
55 to fill a customer's reusable beverage container or reusable food  
56 container if the establishment determines, based on reasonable concerns

1 related to food safety or operational feasibility, that such container  
2 is not appropriate.

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

10 7. Rulemaking authority. The commissioner shall promulgate rules and  
11 regulations establishing standards for safe handling by food service  
12 establishments of reusable beverage containers and reusable food  
13 containers provided by customers and for the incorporation of such stan-  
14 dards into health inspections of food service establishments. In  
15 promulgating such rules and regulations, the commissioner shall consider  
16 input from local health departments, food service establishments, and  
17 other relevant stakeholders.

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