

STATE OF NEW YORK

6949

2025-2026 Regular Sessions

IN ASSEMBLY

March 18, 2025

Introduced by M. of A. KASSAY -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to eco-friendly alternative utensils and condiments

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

Section 1. Article 27 of the environmental conservation law is amended by adding a new title 34 to read as follows:

TITLE 34

ECO-FRIENDLY ALTERNATIVE UTENSILS AND CONDIMENTS

Section 27-3401. Definitions.

27-3403. Eco-friendly alternative utensils and condiments.

§ 27-3401. Definitions.

As used in this title, the following terms shall have the following meanings:

1. "Condiment" means packaged ketchup, mustard, mayonnaise, hot sauce, salt, pepper, or any other herb, spice, seasoning, sauce, or substance that is used to give a special flavor to food.

2. "Eco-friendly alternative utensils and condiments" means and includes: utensils and condiment packets or packages which are composed of compostable material or another material approved, by the department or the United States environmental protection agency, as an eco-friendly alternative to conventional plastics, regardless of whether such utensils and condiment packages are designed to be discarded, by the consumer, after a single use; utensils and condiment packets or packages which are designed to be used multiple times and are not intended to be discarded after a single use, regardless of whether such utensils and condiment packages are composed of conventional plastics; and any other utensils and condiment packets or packages that are approved, by the department or the United States environmental protection agency, as eco-friendly alternatives to single-use plastic utensils or condiments.

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

LBD05329-01-5

1 3. "Public food service establishment" means any building, vehicle,
2 place or structure, or any room or division in a building, vehicle,
3 place or structure where food is prepared, served or sold for immediate
4 consumption on or in the vicinity of the premises; called for or taken
5 out by customers; or prepared prior to being delivered to another
6 location for consumption.

7 4. "Single-use plastic utensils or condiments" means utensils or
8 condiment packets or packages which are composed of conventional plas-
9 tics and are designed to be discarded, by the consumer, after a single
10 use.

11 5. "Utensil" means an instrument, including, but not limited to, a
12 knife, fork, or spoon, which are used to eat meals served by a food
13 service business.

14 6. "Dishware" shall mean plates, bowls, and other dishes which are
15 used to eat meals served by a food service business.

16 § 27-3403. Eco-friendly alternative utensils and condiments.

17 1. (a) No public food service establishment operating in the state
18 shall provide single-use plastic utensils or condiments to any customer
19 which are not eco-friendly alternative utensils and condiments, except
20 upon, and in accordance with, the express request of that customer. The
21 provisions of this paragraph shall be applicable regardless of whether a
22 customer is receiving meals from the food service business on an eat-in,
23 take-out, drive-thru, or delivery basis, and regardless of whether the
24 customer's meal order is placed in person, over the phone, online, or
25 using other available means or methods.

26 (b) A public food service establishment that has on-site seating
27 capacity shall provide its on-site customers with reusable, washable
28 utensils and dishware for use thereby while consuming meals on the prem-
29 ises, and shall require each customer using such utensils to return
30 those utensils to the food service business, for the purposes of clean-
31 ing and reuse, upon completion of the customer's on-site meal.

32 2. Any public food service establishment that elects to supply custom-
33 ers with single-use plastic utensils or condiments, upon request, as
34 authorized by paragraph (a) of subdivision one of this section:

35 (a) shall provide each customer with only those types and amounts of
36 single-use plastic utensils and condiments that have been expressly
37 requested thereby; and

38 (b) shall not create, acquire, or provide customers with bundled pack-
39 ages that contain more than one type of single-use plastic utensil or
40 condiment, regardless of the nature of any customer request therefor.

41 3. Nothing in this section shall be deemed to require a public food
42 service establishment to provide any single-use plastic utensils or
43 condiments to customers, upon their request, as authorized by paragraph
44 (a) of subdivision one of this section.

45 § 2. This act shall take effect on the one hundred eightieth day after
46 it shall have become a law.