

# STATE OF NEW YORK

3911

2025-2026 Regular Sessions

## IN SENATE

January 30, 2025

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed 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:

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

3 TITLE 34

4 ECO-FRIENDLY ALTERNATIVE UTENSILS AND CONDIMENTS

5 Section 27-3401. Definitions.

6 27-3403. Eco-friendly alternative utensils and condiments.

7 § 27-3401. Definitions.

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

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

13 2. "Eco-friendly alternative utensils and condiments" means and  
14 includes: utensils and condiment packets or packages which are composed  
15 of compostable material or another material approved, by the department  
16 or the United States environmental protection agency, as an eco-friendly  
17 alternative to conventional plastics, regardless of whether such uten-  
18 sils and condiment packages are designed to be discarded, by the consum-  
19 er, after a single use; utensils and condiment packets or packages which  
20 are designed to be used multiple times and are not intended to be  
21 discarded after a single use, regardless of whether such utensils and  
22 condiment packages are composed of conventional plastics; and any other  
23 utensils and condiment packets or packages that are approved, by the  
24 department or the United States environmental protection agency, as  
25 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.

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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.