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:

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.

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

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

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

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

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

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

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

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

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

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

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

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