

STATE OF NEW YORK

7408--B

Cal. No. 979

2025-2026 Regular Sessions

IN SENATE

April 15, 2025

Introduced by Sens. FAHY, HARCKHAM, HINCHEY, KAVANAGH -- 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 -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

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.

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

LBD09094-10-6

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

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

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

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

16 (iii) Such beverage is dispensed in a manner that prevents contact
17 with, or contamination of, the food-contact surfaces of the beverage
18 dispensing equipment.

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

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

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

31 (iii) Such leftovers are packaged in a manner that prevents contact
32 with, or contamination of, the food-contact surfaces of the food serving
33 equipment.

34 3. Notification. a. Every food service establishment in the state that
35 serves beverages to customers in single-use containers shall conspicu-
36 ously post signage informing customers that they are permitted to
37 request the service of beverages in their own reusable beverage contain-
38 ers.

39 b. Every food service establishment in the state that serves food to
40 customers in single-use containers shall conspicuously post signage
41 informing customers that they are permitted to request the packaging of
42 leftovers from partially consumed meals in their own reusable food
43 containers.

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

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

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

54 (iii) the food is served in a manner that avoids contact with, or
55 contamination of, the food-contact surfaces of the food serving equip-
56 ment.

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

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

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

18 7. Rulemaking authority. The commissioner shall promulgate rules and
19 regulations establishing standards for safe handling by food service
20 establishments of reusable beverage containers and reusable food
21 containers provided by customers and for the incorporation of such stan-
22 dards into health inspections of food service establishments. In
23 promulgating such rules and regulations, the commissioner shall consider
24 input from local health departments, food service establishments, and
25 other relevant stakeholders.

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