

STATE OF NEW YORK

8007

2025-2026 Regular Sessions

IN ASSEMBLY

April 21, 2025

Introduced by M. of A. KELLES, WOERNER, BUTTENSCHON, TAYLOR, LUPARDO, SIMON, STECK, ZACCARO, ROSENTHAL, GLICK, GONZALEZ-ROJAS, SHIMSKY -- read once and referred to the Committee on Health

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 engaged in
9 the preparation and service on the premises of food and to the general
10 public where prepared food is sold for individual portion service, whether
11 consumption occurs on or off the premises. This term does not include retail
12 food stores.

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

14 c. "Single-use" container shall mean a product container that is designed
15 and intended to

15 be used only once for drinking or eating, and is generally recognized by
16 the public as an item that is to be discarded after one use.

17 d. "Disposable food service container" shall mean all containers,
18 bowls, plates, trays, cartons, cups, lids and other items that are
19 designed or generally recognized by the public as being designed for
20 a single-use to hold, contain, or transport foods, including but
21 not

21 limited to, containers for leftovers from partially consumed meals
22 prepared by food service establishments. The term "disposable food

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

1 service container" shall not include items composed entirely of aluminum
2 or polystyrene foam coolers and ice chests that are intended for reuse.

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

6 2. Requirements. a. Any food service establishment in the state that
7 serves beverages to customers in single-use containers shall ~~instead, not~~
~~refuse~~

8 at the request of a customer who has ordered a beverage, ~~to~~ serve
such

9 beverage in a reusable beverage container ~~provided~~supplied by the
customer in

10 ~~substitution for the single-use container provided by the food service~~
11 ~~establishment, provided that:~~

12 (i) Such reusable beverage container ~~is capable of and appears~~
appropriate for

13 serving such beverage, ~~as determined based on the size, based on a~~
14 ~~reasonable visual inspection of the container's cleanliness, size and~~
15 ~~material, and any other relevant factors, of the reusable beverage~~
16 ~~container;~~ and

17 (ii) Such beverage ~~shall be~~is dispensed in a manner that prevents
18 contact with, or contamination of, the food-contact surfaces of the
19 beverage dispensing equipment.

20 b. Any food service establishment in the state that serves food to
21 customers in disposable food service containers shall ~~instead, not~~
~~refuse~~at the

22 request of a customer who has leftovers from partially consumed meals,
~~to~~

23 package such leftovers in a reusable food container ~~provided~~supplied
by the

24 customer ~~in substitution for the disposable food service container~~
25 ~~provided by the food service establishment, provided that:~~

26 (i) Such reusable food container ~~is capable of and appears~~
appropriate for

27 packaging such leftovers, ~~as determined based on the size, based on a~~
28 ~~reasonable visual inspection of the container's cleanliness, size and~~
29 ~~material, and any other relevant factors, of the reusable food contain-~~
30 ~~er;~~ and

31 (ii) Such leftovers ~~shall be~~are packaged in a manner that prevents
32 contact with, or contamination of, the food-contact surfaces of the food
33 serving 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 disposable food service containers shall conspicuously post
41 signage informing customers that they are permitted to request the pack-
aging of leftovers from partially consumed meals in their own reusable
42 food containers.

4. Takeout opt-in.

Any food service establishment in the state that serves food for takeout in
disposable food service containers may opt, at the request of a customer, to
serve food in a reusable food container supplied by the customer, provided
that:

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

(ii) the food is served in a manner that avoids contact with, or contamination of, the food-contact surfaces of the food serving equipment.

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

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

7. Rulemaking authority. The commissioner shall promulgate rules and regulations to amend the New York State sanitary code so as to implement the provisions of this act with regard to food service establishments. In promulgating such rules and regulations, the commissioner shall consider input from local health departments, food service establishments, and other relevant stakeholders.

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