



## Legislation Text

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Int. No. 1003

By Council Members Velázquez, Powers, Bottcher, Nurse, Richardson Jordan, Restler, Marte, Krishnan, Hanif, De La Rosa, Brewer, Ossé, Schulman, Cabán, Won, Joseph, Hudson, Abreu, Ayala and Rivera (in conjunction with the Brooklyn Borough President) (by request of the Manhattan Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to requiring reusable eating utensils and eating containers at food service establishments and returnable food packaging at fast casual food establishments

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-402 to read as follows:

§ 16-402 Reusable eating utensils and eating containers. a. Definitions. As used in this section, the following terms have the following meanings:

Dine-in. The term “dine-in” means relating to or offering food that is intended to be consumed on the premises of a food service establishment.

Eating container. The term “eating container” means a tool used for holding food or beverage, including but not limited to, a plate, bowl, cup, or lid, but does not include a beverage splash stick as defined in section 16-401.

Eating utensil. The term “eating utensil” means a tool used for eating and drinking, including, but not limited to, a knife, fork, spoon, or chopsticks, but does not include a beverage stirrer or beverage straw as defined in section 16-401 or a napkin.

Fast casual food establishment. The term “fast casual food establishment” means any food service establishment (i) where patrons order or select items and pay before eating; (ii) where food and such items may

be consumed on the premises, taken out or delivered to the customer's location at the direction of the consumer; (iii) that offers limited table service; (iv) that provides customizable menu options; (v) that is part of a chain; and (vi) that is owned and operated by an entity that operates ten or more establishments nationally. The term "fast casual food establishment" includes food provided at kiosks that offer fast casual service located within a food service establishment that is not otherwise a fast casual food establishment.

Food service establishment. The term "food service establishment" means a place where food is provided for individual portion service directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises. Such term does not include a pushcart, stand, or vehicle.

Reusable. The term "reusable" means designed and manufactured to maintain its shape and structure, and to be materially durable for repeated sanitizing in water at 171 degrees Fahrenheit for at least 30 continuous seconds, washing via commercial dishwashing machine, and reuse at least 1,000 times.

Returnable food packaging. The term "returnable food packaging" means a type of packaging used to hold food that is reusable and offered as part of a system that provides for the collection and refill of the package by a food service establishment. Customers may return the packaging back to a food service establishment, which in turn, will make the packaging available for reuse. A returnable food packaging system as described in this definition may be conducted by the food service establishment or may be provided by a third party on behalf of a food service establishment.

b. No food service establishment in the city with capacity for dishwashing, as determined by rule by the department, shall provide non-reusable eating utensils or eating containers to a dine-in customer unless requested by such customer.

c. All fast casual food establishments in the city shall offer customers at point of sale the options to (i) request returnable food packaging for either dine-in or off premises food consumption and (ii) participate in a system for return of returnable food packaging.

d. Any food service establishment that violates this section or any rule promulgated pursuant thereto shall be liable for a civil penalty in the amount of \$100 for the first violation, \$200 for the second violation, and \$300 for the third and each subsequent violation. For purposes of this subdivision, violations by the same person occurring on the same day shall be considered one violation. The department shall commence a proceeding to recover any civil penalty authorized pursuant to this section by service of a notice of violation returnable to the office of administrative trials and hearings.

§ 2. This local law takes effect 180 days after it becomes law.

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