SENATE, No. 3551

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 11, 2021

Sponsored by:
Senator BOB SMITH
District 17 (Middlesex and Somerset)
Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)

SYNOPSIS

Requires food service establishments to allow reusable food and beverage containers under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 3/11/2021)

AN ACT concerning reusable food and beverage containers and food service establishments and supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. As used in this act:

"Disposable food service container" means a container, bowl, plate, tray, carton, cups, lid or other item that is designed or generally recognized by the public as being designed for single-use to hold, contain, or transport food, including but not limited to, containers for leftovers from partially consumed meals prepared by food service establishments. "Disposable food service container" shall not include an item composed entirely of aluminum or a polystyrene foam cooler or ice chest that is intended for reuse.

“Food service establishment” means a public place engaged in the preparation and service on the premises of food and to the general public.

"Reusable beverage container" means a bottle, mug, cup or other container that is designed and manufactured to hold beverages and is capable of multiple reuse.

"Reusable food container" shall mean a container, bowl, plate, tray, carton, cup, lid or other item that is designed and manufactured to hold food and is capable of multiple reuse.

"Single-use" means a product that is designed and intended to be used only once for drinking or eating, and is generally recognized by the public as an item that is to be discarded after one use.

2. a. A food service establishment in this State that serves beverages to customers in single-use containers shall not refuse the request of a customer who has ordered a beverage to serve the beverage in a reusable beverage container provided by the customer in substitution for the single-use container provided by the food service establishment, provided that:

(1) the reusable beverage container is capable of and appropriate for serving the beverage, as determined based on the size, cleanliness, material, and any other relevant factors, of the reusable beverage container; and

(2) the beverage shall be dispensed in a manner that prevents contact with, or contamination of, the food-contact surfaces of the beverage dispensing equipment.

b. A food service establishment in this State that serves food to customers in disposable food service containers shall not refuse the request of a customer who has leftovers from partially consumed meals to package the leftovers in a reusable food container provided by the customer in substitution for the disposable food service container provided by the food service establishment, provided that:

(1) the reusable food container is capable of and appropriate for packaging the leftovers, as determined based on the size, cleanliness, material, and any other relevant factors, of the reusable food container; and

(2) the leftovers shall be packaged in a manner that prevents contact with, or contamination of, the food-contact surfaces of the food serving equipment.

3. a. A food service establishment in this State that serves beverages to customers in single-use containers shall conspicuously post signage informing customers that they are permitted to request the service of beverages in their own reusable beverage containers.

b. A food service establishment in this State that serves food to customers in disposable food service containers shall conspicuously post signage informing customers that they are permitted to request the packaging of leftovers from partially consumed meals in their own reusable food containers.

4. A food service establishment that violates any provision of this act shall be subject to a civil penalty of $250 for a first violation and $500 for a second or subsequent violation. The penalty prescribed in this section shall be collected in a civil action by a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section. Process shall be in the nature of a summons or warrant which shall issue upon the complaint of the Attorney General or any other person.

5. This act shall take effect on the 120th day next following enactment.

STATEMENT

This bill requires food service establishments to allow reusable food and drink containers under certain circumstances.

The bill provides that a food service establishment in this State that serves beverages to customers in single-use containers may not refuse the request of a customer who has ordered a beverage to serve the beverage in a reusable beverage container provided by the customer in substitution for the single-use container provided by the food service establishment, provided that:

(1) the reusable beverage container is capable of and appropriate for serving the beverage, as determined based on the size, cleanliness, material, and any other relevant factors, of the reusable beverage container; and

(2) the beverage shall be dispensed in a manner that prevents contact with, or contamination of, the food-contact surfaces of the beverage dispensing equipment.

The bill provides that a food service establishment in this State that serves food to customers in disposable food service containers may not refuse the request of a customer who has leftovers from partially consumed meals to package the leftovers in a reusable food container provided by the customer in substitution for the disposable food service container provided by the food service establishment, provided that:

(1) the reusable food container is capable of and appropriate for packaging the leftovers, as determined based on the size, cleanliness, material, and any other relevant factors, of the reusable food container; and

(2) the leftovers shall be packaged in a manner that prevents contact with, or contamination of, the food-contact surfaces of the food serving equipment.

The bill requires a food service establishment in this State that serves beverages to customers in single-use containers to conspicuously post signage informing customers that they are permitted to request the service of beverages in their own reusable beverage containers.

The bill requires a food service establishment in this State that serves food to customers in disposable food service containers to conspicuously post signage informing customers that they are permitted to request the packaging of leftovers from partially consumed meals in their own reusable food containers.

The bill provides that a food service establishment that violates any provision of the bill is subject to a civil penalty of $250 for a first violation and $500 for a second or subsequent violation.