

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)

1 AN ACT concerning reusable food and beverage containers and food
2 service establishments and supplementing P.L.1960, c.39
3 (C.56:8-1 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. As used in this act:

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

17 "Food service establishment" means a public place engaged in
18 the preparation and service on the premises of food and to the
19 general public.

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

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

26 "Single-use" means a product that is designed and intended to be
27 used only once for drinking or eating, and is generally recognized
28 by the public as an item that is to be discarded after one use.
29

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

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

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

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

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

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

8
9 3. a. A food service establishment in this State that serves
10 beverages to customers in single-use containers shall conspicuously
11 post signage informing customers that they are permitted to request
12 the service of beverages in their own reusable beverage containers.

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

18
19 4. A food service establishment that violates any provision of
20 this act shall be subject to a civil penalty of \$250 for a first
21 violation and \$500 for a second or subsequent violation. The
22 penalty prescribed in this section shall be collected in a civil action
23 by a summary proceeding pursuant to the "Penalty Enforcement
24 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior
25 Court shall have jurisdiction of proceedings for the enforcement of
26 the penalty provided by this section. Process shall be in the nature
27 of a summons or warrant which shall issue upon the complaint of
28 the Attorney General or any other person.

29
30 5. This act shall take effect on the 120th day next following
31 enactment.

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34 STATEMENT

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

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

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

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

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

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

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

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

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

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