

Environmental

Advocates

NY

EANY SUPPORTS

Right to Refill



Memo #23

[S2079 \(Kavanagh\)](#)

[A4673 \(Fahy\)](#)

Explanation:

This legislation ensures that establishments that serve beverages and food cannot refuse a customer's request to have that beverage or food leftovers placed in a container provided by the customer.

New York is experiencing a solid waste and recycling crisis, much of it fueled by the collapse of markets for recycled materials in China. Each New Yorker produces about 4.5 pounds of trash a day – and New York City residents alone produce approximately 12 million tons a [day](#). In fact, it is estimated that [80% of US products](#) are used once and then thrown away.

This bill encourages customers to bring their own refillable containers by ensuring customers are aware they are allowed to use their own containers. This legislation will help cut down on the volume of single-use beverage and food containers that enter the waste stream every day.

This legislation could be made stronger by expanding to initial food orders, not just leftover or partially eaten food. Ensuring food service establishments (such as take-out cafes, counters, and food trucks) cannot refuse a customer from bringing their own reusable containers for taking away meals would also significantly help cut down on the disposal of single-use containers.

Summary:

This bill ensures that food service establishments shall not refuse the request of a customer to serve a beverage or leftovers from partially consumed meals in a container provided by the customer in substitution for the single-use container provided by the food service establishment. The customer's reusable container must be capable of and appropriate for holding the beverage or food based on the containers size, cleanliness, and material. In addition, the bill requires a signage to be posted at every food service establishment that informing consumers they are permitted to request the service of a beverage or packing of leftovers in their own containers.
