

New Disposable Foodware Restrictions

Governor Gavin Newsom recently signed into law AB 1276*. The new law changes the Public Resource Code in the area of disposable foodware items and standard condiments in order to reduce unnecessary waste and litter. This is an addition to the disposable plastic straws law. The law takes effect January 1, 2022.

SUMMARY OF THE CHANGES

Disposable foodware items include:

- ⌚ Utensils, which are defined as forks, knives, spoons, and sporks
- ⌚ Chopsticks
- ⌚ Condiment cups and packets**
- ⌚ Straws
- ⌚ Stirrers
- ⌚ Splash sticks
- ⌚ Cocktail sticks

**Condiments include relishes, spices, sauces, confections, or seasoning that require no additional preparation and that are usually used on a food item after preparation, including ketchup, mustard, mayonnaise, soy sauce, hot sauce, salsa, salt pepper, sugar, and sugar substitutes.

New requirements for restaurants and food facilities:

- ⌚ Only provide disposable items to consumers upon request
- ⌚ Only provide disposable items required to eat the ready-to-eat food
- ⌚ No bundling of disposable items or condiments
- ⌚ Only offer those disposable items needed to eat or prevent spillage of the ready-to-eat food at a drive-through
- ⌚ A third-party delivery platform (i.e., Uber Eats, Grubhub) shall provide consumers with the option to request disposable items

For more information go to www.morganhill.ca.gov/2332/Single-Use-Foodware-Legislation or contact us at 408-310-4169.

*Resource: Public Resource Code, Chapter 5.2 Single-Use Foodware Accessories and Condiments

- ⌚ A food facility that uses a third-party platform shall customize their menu with a list of available disposable item or condiments. If no disposable items or condiments are requested none will be provided
- ⌚ Unwrapped disposable foodware items that are self-serve, standard condiments that are self-serve, and/or bulk dispensed condiments may still be used

The law does not apply to the following:

- ⌚ Correctional institutions
- ⌚ Licensed health care facilities
- ⌚ Residential care facilities
- ⌚ Public and private school cafeterias

Enforcement:

The City of Morgan Hill can start enforcing as of **June 1, 2022** (SMC 5.39—Environmentally acceptable food containers and service ware):

- ⌚ First violation can carry a fine up to \$100
- ⌚ Second violation can carry a fine up to \$200
- ⌚ Third violation can carry a fine up to \$500
- ⌚ A fine may be imposed for each day a violation occurs

