

AB 1276 Single Use Food Accessories FAQs

1. What is AB 1276?

[AB 1276](#) builds on the straws-upon-request law; AB 1884 (Calderon, Chapter 576, Statutes of 2018), to include more single-use food accessories (utensils, condiment cups/packets, straws, stirrers, splash sticks, etc.) and prohibits a food facility or a third-party food delivery platform from providing these accessories to consumers unless requested by the consumer.

2. What single-use disposable foodware items are covered in AB 1276?

“Single-use foodware accessory” means all of the following single-use items provided alongside ready-to-eat food:

- 1. Utensils, which is defined as forks, knives, spoons, and sporks
- 2. Chopsticks
- 3. Condiment cups and packets
- 4. Straws
- 5. Stirrers
- 6. Splash sticks
- 7. Cocktail sticks

3. What condiments are covered in AB 1276?

Standard condiments include relishes, spices, sauces, confections, or seasonings 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.

4. Is bundling of accessories allowed?

No. Under AB 1276 bundling or packaging foodware accessories or condiments in a way that prevents a consumer from selecting the item(s) they desire is prohibited.

5. Are self-serve stations still allowed?

Yes, providing consumers access to disposal foodware and condiments is still allowed as long as the items are provided separately (i.e., no bundling).

6. What is the intention of this Bill?

The aim of this bill is to help reduce the amount of plastic waste generated by Californians. These items either end up in the landfill or result in non-biodegradable pollution, entering our creeks and eventually our oceans. Plastic pollution is a global problem that continues to degrade California’s scenic beaches and riparian areas. Limiting the amount of unused plastic that enters the system will help reduce this problem.

7. Who is impacted by this new regulation?

Any food facility that operates in California (excluding correctional institutions, health care facilities, residential care facilities, and public and private school cafeterias), and any consumer who orders food or drink from the included food facilities.

8. How does this new regulation impact food facilities?

Food facilities simply need to reevaluate how they provide these disposables to customers. Instead of automatically including them with the customer's order, they will now only provide single-use items upon request by the customer. Creating or expanding existing self-service stations to include the entire range of separate foodware utensils and condiments could help with this transition. A food facility that offers standard condiments is encouraged to use bulk dispensers for the condiments rather than condiments packaged for single use.

A food facility that uses a third-party platform shall customize their menu with a list of available single-use accessories and condiments. Only those items chosen by the consumer will be delivered. If no single-use accessories or condiments are requested, none will be provided.

9. What are examples of food facilities included under AB 1276?

- Restaurants
- Take-out food delivery services
- Coffee shops
- Caterers
- Cafeterias
- Grocery stores
- Delis
- Event venue concessions
- Mobile food vendors
- Certified farmers markets

10. As a business, what is this going to cost me?

This new regulation should not incur any additional costs to food facilities. They should actually save money that was previously budgeted for disposable foodware items and condiments.

According to Upstream, the American food service industry spends ~\$24 billion on 9 trillion pieces of disposable foodware every year. By no longer automatically providing these items, restaurants should see a reduction in foodware costs.

11. How does this new regulation impact customers of food facilities?

The only impact to customers is they now need to specifically request disposable foodware or condiments when ordering in person or through a third-party food delivery platform. Drive-thru patrons will now be offered suitable foodware accessories by attendants instead of automatically provided them.

12. How does this new regulation impact third party online delivery platforms?

A third-party delivery platform shall provide consumers with the option to request the single-use accessories offered by a food facility.

13. What happens if my business (food facility or third party online delivery platform) does not comply with AB 1276?

Those food facilities and third-party food delivery platforms that do not comply with this regulation may be subject to a fine. City enforcement will begin in January 2023 in response to reported violations. The first and second witnessed violations will result in notices. Any subsequent violations will result in a fine of \$25 per day of violation, not to exceed an annual total of \$300.

14. What about drive-thru or walk-thru food facilities?

A food facility may offer a drive-through or walk-thru consumer (such as in an airport) a single-use foodware accessory that is needed to consume ready-to-eat food, prevent spillage, or to safely transport ready-to-eat food.