

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 1122

Short Title: Right to Use Reusable Food Containers. (Public)

Sponsors: Representatives Rudow, Harrison, Morey, and Butler (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Appropriations, if favorable, Rules, Calendar, and Operations of the House

May 31, 2022

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE USE OF CUSTOMER PROVIDED REUSABLE
3 CONTAINERS AT ESTABLISHMENTS THAT PREPARE OR SERVE DRINK OR
4 FOOD.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 130A-247 reads as rewritten:

7 **"§ 130A-247. Definitions.**

8 The following definitions shall apply throughout this Part:

9 ...

10 (3a) "Disposable food service container" means a container that is used to contain,
11 hold, or transport food or drink only once and thereafter discarded. This term
12 does not include items composed entirely of aluminum.

13 ...

14 (12a) "Reusable container" means a container that is designed to contain, hold, or
15 transport food or drink and is capable of multiple reuses.

16"

17 **SECTION 2.** Part 6 of Article 8 of Chapter 130A of the General Statutes is amended
18 by adding a new section to read:

19 **"§ 130A-249.1. Customer provided reusable containers authorized in establishments.**

20 (a) A customer ordering a drink at an establishment that prepares or serves drink in
21 disposable food service containers may request that the establishment instead serve the drink in
22 a customer provided reusable container.

23 (b) A customer ordering food at an establishment that prepares or serves food and
24 packages leftovers from partially consumed meals in disposable food service containers may
25 request that the establishment instead package the leftover food in a customer provided reusable
26 container.

27 (c) An establishment shall not refuse a customer's request to use a reusable container
28 under subsection (a) or (b) of this section unless:

29 (1) The reusable container is an inappropriate size or material.

30 (2) The reusable container is unsanitary.

31 (3) Dispensing the drink or packaging the leftover food in the reusable container
32 would require contact with, or contamination of, food-contact surfaces.

33 (d) Every establishment that prepares or serves drink or food in disposable food service
34 containers shall conspicuously post signs clearly stating customers are authorized to request the
35 use of customer provided reusable containers under the terms of this section.



1 (e) The Commission shall adopt rules to implement this section."

2 **SECTION 3.** There is appropriated from the General Fund to the Department of
3 Health and Human Services, Commission for Public Health, the sum of fifty thousand dollars
4 (\$50,000) in nonrecurring funds for the 2022-2023 fiscal year to be used to adopt the rules
5 required by Section 2 of this act.

6 **SECTION 4.** Sections 1 and 2 of this act become effective October 1, 2022. Section
7 3 of this act becomes effective July 1, 2022. The remainder of this act is effective when it
8 becomes law.