



ENVIRONMENTAL HEALTH FOOD SAFETY

AB 1276 Foodware Accessories & Condiments Upon Request Only

In California, two bills have been enacted to limit the automatic distribution of single-use plastic.
(AB 1884, AB 1276)

What is AB 1276?

- AB 1276 expands on single-use plastic straws law, AB 1884, to include additional single-use food accessories.
- Requires food facilities to provide single-use foodware accessories and condiments only upon customer request.
- Allows a food facility to ask drive-thru and walk up customers if they would like accessories or condiments.

Who is considered a “food facility”?

Under the Health & Safety Code 113789 a food facility is:

- Any operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level.
- This includes restaurants, cafés, take-out, mobile vendors, and similar businesses.

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

Single-use foodware accessory includes all of the following:

- Utensils (forks, knives, spoons, sporks, and chopsticks), and napkins.
- Straws, stirrers, splash sticks, and cocktail sticks.
- Condiment cups and packets.
- Containers, cups, and cold-cup lids (except for delivery, drive-thru, or take-out beverages).

What condiments are covered in AB 1276?

- Condiments include relishes, spices, sauces, and confections.
- They also include seasonings that require no additional preparation and that are usually used on a food item after preparation, such as ketchup, mustard, mayonnaise, soy sauce, hot sauce, salsa, salt, pepper, sugar, and sugar substitutes.

Are there any food facilities exempt from this requirement?

- Yes. The law exempts Correctional Institutions, Licensed Health Care Facilities, Residential Care Facilities, and Public and Private School Cafeterias.

How should a business comply?

- Ask drive-thru or walk-up customers if they would like these items.
- Provide condiments and accessories through self-serve stations.
- Update menus and delivery platforms so customers can select these items.
- Do not automatically bundle or place single-use accessories or condiments in takeout bags.

Is bundling accessories allowed?

- No. Bundling or packaging foodware accessories or condiments in a way that prevents customers from selecting only the item(s) they desire is prohibited.

Are self-serve stations allowed?

- Yes. Food facilities may provide self-serve stations where customers can access single-use foodware and condiments.
- Items must be provided separately (i.e., not bundled together).

How does this impact food facilities?

- Food facilities will need to re-evaluate how they provide single-use items to customers.
- Instead of automatically including them with every order, they may only provide single-use items upon request.
- Food facilities can create or expand existing self-service stations.
- Bulk condiment dispensers are encouraged instead of single-use packaged condiments.

How does this 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.

For any questions please contact

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