



## **FAQS for Los Angeles City Foodware Accessories-on-Request Ordinance (No. 187030)**

### **1. What are the requirements of the City’s Foodware Accessories-on-Request Ordinance?**

Under this Ordinance, food or beverage facilities can provide disposable foodware accessories to a *dine-in* or *take-out customer* ONLY if the customer requests\* one. Food or beverage facilities may not automatically provide a disposable foodware accessories to *drive-through* or *delivery customers*, but may *ask those* customers if they want one.

Food or beverage facilities with an Online Ordering Platform (website or app) or using a Third-party Food Delivery Service with an Online Ordering Platform, and a Third-party Food Delivery Service with an Online Ordering Platform must identify the available disposable foodware accessories from the Food or Beverage Facility that customers may request in an Online Order, include an “opt-in” option for a customer placing an online order to request disposable foodware accessories with their order, and not provide disposable foodware accessories to any customer who does not “opt-in” to receive disposable foodware accessories with their order.

ChowNow and BentoBox are examples of *ordering platforms*.

UberEats, Caviar, Instacart are examples of *delivery services*.

Some companies may be both ordering platforms and delivery services.

Note: \*A *request* is not limited to a *verbal* request; it may be any reasonable affirmation of the Customer’s intent to procure a disposable foodware accessories.

\*For example: a customer is allowed to point to utensils or condiments.

### **2. What businesses are affected by the Ordinance?**

The Foodware Accessories-on-Request Ordinance applies to food or beverage facilities located in the City of Los Angeles, which sell or provide prepared food or beverages that require no further preparation by a customer before consumption.

These food or beverage facilities include, but are not limited to: shops, sales outlets, restaurants, bars, pubs, coffee shops, coffee stands, juice bars, cafeterias, caterers, convenience stores, liquor stores, grocery stores, supermarkets, delicatessens, mobile food trucks, roadside stands, kiosks, and carts.



The Ordinance also applies to food or beverage facilities with an online ordering platform, or using a Third-party Food Delivery Services with an Online Ordering Platform, and Third-party Food Delivery Services with an Online Ordering platform, which operate in the City of Los Angeles.

**3. Are any businesses/ facilities exempted under the Foodware Accessories-on-Request Ordinance?**

Licensed Health Facilities, as defined in Section 1250 of the California Health and Safety Code, and Residential Care Facilities for the Elderly, as defined in Section 1569.2 of the California Health and Safety Code, are exempt from the requirements of this Ordinance.

**4. I need foodware accessories for medical reasons. How will the Ordinance affect me?**

Under this Ordinance, any food or beverage facility customer may request disposable foodware accessories, for any reason.

Please note that the City of Los Angeles is cognizant that a *request* is not limited to a *verbal* request, it may be any reasonable affirmation of the Customer's intent to procure Disposable Foodware Accessories. For example: a customer is allowed to point to utensils or condiments.

**5. How will customers of food and beverage facilities know about this law?**

Each food or beverage facility will be required to display an advisory notice informing customers about the Foodware Accessories-on-Request Ordinance and the environmental impacts of disposable foodware accessories. LASAN has provided mailers that can serve as customer advisory notices, or food/beverage facilities can use their own.

This information must also be posted on online ordering platforms.

A sample advisory notice will soon be posted to LA Sanitation and Environment's website ([www.lacitysan.org/foodwareaccessories](http://www.lacitysan.org/foodwareaccessories))



**6. When does the City’s Foodware accessories on Request Ordinance take effect?**

The Ordinance will become effective for food or beverage facilities, in Los Angeles that have more than 26 employees, on America Recycles Day, November 15, 2021. (The “more than 26 employees” threshold applies to food or beverage facilities that are part of a chain of franchised or corporate- owned food or beverage vendors located in Los Angeles and in more than one jurisdiction outside of Los Angeles).

All other food or beverage facilities must comply with the requirements of the Ordinance by Earth Day, April 22, 2022.

**7. How will the Food Accessories-on-Request Ordinance be enforced? What are the penalties for non-compliance?**

Enforcement is complaint driven. LASAN will investigate when it receives complaints that a food/beverage facility is not complying with the Ordinance. LASAN will issue written notices of compliance to the operator of a food or beverage facility if a violation is found to have taken place. The penalty structure is as follows:

- A written notice for a first and second violation;
- An administrative fine of \$25 for a third violation and each subsequent violation.
- The administrative fine will be imposed for each day a food or beverage facility is in violation, but shall not exceed \$300 per year.

An operator of a food or beverage facility who receives a written notice of violation may request an administrative review of the violation by filing a written and signed notice of appeal with the Director of the Bureau of Sanitation, or his/her designee no later than 30 days from the date the notice of violation was served. The appeal must include all facts, supporting the appeal and any supporting documentation, including copies of photos, statements and other documents to be considered in connection with the appeal.

More information regarding enforcement of the Foodware Accessories-on-Request Ordinance can be found in Sec. 196.04. of the Ordinance [here](#).



**8. What type of disposable foodware accessories are covered under the Foodware Accessories-on-Request Ordinance?**

This Ordinance covers disposable foodware including, but not limited to: Utensils, Condiment Packets, Disposable Plastic Drinking Straws and all other Disposable straws, stirrers, splash sticks, cocktail sticks, toothpicks, napkins, wet-wipes, cup lids, cup sleeves, and beverage trays.

**9. Does the Foodware Accessories-on-Request Ordinance apply to disposable foodware accessories that are prepackaged with a prepared food or beverage, such as the straws provided with juice boxes or milk pouches, or condiments and utensils included with a pre-packaged salad.**

No. Food or beverages that are provided by a manufacturer with an already-attached/included disposable foodware accessories are not covered under this Ordinance.

**10. My business sells pre-packaged food (such as sandwiches, salads, etc.). Is my business subject to the requirements of the Foodware Accessories-on-Request Ordinance?**

Yes. If your business sells or provides prepared food or beverages, which require no additional preparation to be consumed by a consumer, you are subject to the requirements of this Ordinance.

**11. Can my business have disposable foodware accessories available for customers?**

Once the Ordinance becomes effective for your food or beverage facility, you may not have disposable foodware accessories that are available for customer self-service.

**11. How can I report a violation?**

If you were provided disposable foodware accessories with a dine-in, take-out, drive-through, or delivery meal, without requesting one, you may report this violation to LA Sanitation and Environment's Solid Resources Citywide Recycling Division (SRCRD) by calling (800) 773-2489 or (213) 485- 2260, or emailing [SRCRD@lacity.org](mailto:SRCRD@lacity.org).



**12. Is the City of Los Angeles considering any further action to regulate disposable foodware accessories in the future?**

Yes. The City of Los Angeles is considering *prohibiting* (banning) food or beverage facilities from providing some types of foodware accessories to customers.

**13. Regarding a future plastic disposable foodware accessories prohibition, I need foodware accessories due to medical needs; a ban would negatively affect me.**

The City of Los Angeles is aware that some community members need foodware accessories for reasons other than convenience and will adopt appropriate exemptions.

Licensed Health Facilities, as defined in Section 1250 of the California Health and Safety Code, and Residential Care Facilities for the Elderly, as defined in Section 1569.2 of the California Health and Safety Code are exempt from the Foodware-on-Request Accessories Ordinance.

**15. What are good alternatives to disposable foodware accessories?**

Thank you for asking about this. LA Sanitation and Environment always advocates for reusable versus disposable items.

Online retailers now sell “travel utensil” kits containing reusable utensils (often made from stainless steel), with carrying cases. Online retailers and some stores also sell reusable straws made from stainless steel, bamboo, silicone, plastic and glass. These straws often include a carrying pouch and cleaning brush.

**16. Who is the appropriate contact if I have other questions about the Ordinance?**

Contact LA Sanitation and Environment’s Solid Resources Citywide Recycling Division (SRCRD) by calling (213) 485-2260 or emailing [san.cfrp@lacity.org](mailto:san.cfrp@lacity.org)

Or visit the LASAN website: [www.lacitysan.org/foodwareaccessories](http://www.lacitysan.org/foodwareaccessories)