



New Jersey Single-Use Utensil & Condiment Law

Compliance White Paper

Summary: Former Governor Phil Murphy signed legislation establishing a uniform statewide framework governing the distribution of single-use utensils and condiments by food service businesses. Under the new law, food service establishments may no longer automatically provide disposable utensils or condiments with dine-in, takeout, drive-through, or delivery orders. These items may be distributed only upon request, in certain circumstances. The law is intended to reduce unnecessary waste while creating consistent compliance standards across New Jersey.*

Enactment Date: January 20, 2026

Effective Date: August 1, 2026

Pamphlet Law: <https://www.njleg.state.nj.us/bill-search/2024/S3195>

Definitions

- **“Full-service restaurant”** means a food service business whose primary [NAICS](#) classification in accommodation and food services is 722511
- **“Casual dining establishment”** means any food service business that is not a full-service restaurant
- **“Condiment”** means packaged ketchup, mustard, mayonnaise, hot sauce, salt, pepper, or any other herb, spice, seasoning, sauce, sweetener, or substance used to give a special flavor to food
- **“Self-serve condiment station”** means a dedicated appliance, fixture, or other similar system for the dispensing of condiments, which provides individual condiments for customer access, provided that such items are not bundled, packaged, or otherwise wrapped together. This includes an open tray or other similar system from which more than one condiment may be taken at a time
- **“Utensil”** means an instrument, including, but not limited to, a knife, fork, chopstick, or spoon, which is commonly used by humans to eat meals served thereto by a food service business
- **“Utensil dispenser”** means a dedicated appliance for the dispensing of food utensils, which dispenses a single-use utensil at the push of a button, lever, or other similar method. With the exception of utensil dispensers located in sports arenas and entertainment centers, “utensil dispenser” shall not include an open tray or other similar system from which more than one single-use utensil may be taken at a time

Key Takeaways

- Full-service restaurants with seating capacity for 10 or more customers shall provide on-site customers with reusable, washable utensils for use while consuming meals on site
- Casual dining establishments may only provide single-use utensils or condiments to a customer upon request either in person, over the phone, online, or by using a utensil dispenser or self-serve condiment station
- Online ordering systems must default to “no utensils/condiments”
- Only the specific items and quantities requested may be provided
- Bundled utensils and condiment packs will be prohibited one year after the law’s effective date
- First violation results in a warning; subsequent violations carry civil penalties
- The statute includes statewide preemption, ensuring consistent standards across New Jersey
- This law does not include single-use straws, which remain prohibited at self-serve stations and available only upon request
- A food service business located in a food court shall be exempt from the provisions of this law for a period of two years beginning on the effective date

Permitted Practices

- Maintaining inventory of disposable utensils on-site
- Using single-use portion (soufflé) cups
- Operating self-serve stations for utensils and condiments
- Distributing pre-packaged manufacturer-sealed items that include utensils
- Offering bundled utensils and condiment packs until July 31, 2027

Enforcement & Penalties

The Department of Environmental Protection, a municipality, and any entity certified pursuant to the “County Environmental Health Act,” shall have the authority to enforce this law

- First violation: warning
- Second violation: \$100 fine
Subsequent violations: \$250 fine

Suggested Implementation Checklist

- Audit current bagging and packaging procedures
- Update POS and online ordering defaults
- Update third-party delivery settings
- Scale back purchase of bundled utensil and condiment packs in advance of the effective date
- Train staff on request-only procedures
- For 10+ seats in full-service restaurant, confirm reusable inventory and dishwashing capacity

Frequently Asked Questions

- **Does this apply to delivery orders?** Yes. The law applies to dine-in, takeout, drive-through, and delivery orders through the establishment and third-party delivery services
- **Does an establishment have to provide single-use items?** No. Foodservice businesses are not required to provide any single-use utensils or condiments
- **Does this override municipal ordinances?** Yes. The statute establishes statewide preemption

Additional Notes

- For additional compliance guidance on this or any other matter, contact NJRHA VP of Public Affairs, Amanda Stone, at astone@njrha.org