

ENVIRONMENT

RESOLUTION NO. 2026086

RE: LOCAL LAW NO. __ OF 2026, A LOCAL LAW REQUIRING FOOD
SERVICE ESTABLISHMENTS TO PROVIDE SINGLE-USE
FOODWARE AND CONDIMENT PACKETS ONLY UPON REQUEST

Legislators KAUL, VALDES SMITH, MUNN, ALEXANDER, BRENDLI, DRAGO,
KEARNEY, LAWLER, REDL, RHODES, SHAH and WINSBY offer the following and move
its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopted Local Law No. __
of 2026, which has been submitted this date for consideration by said Legislature.

APPROVED
Susan J. Serino
SUSAN J. SERINO
COUNTY EXECUTIVE

Date May 28, 2026

STATE OF NEW YORK
COUNTY OF DUTCHESS

SS:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess, have compared the foregoing resolution with the original
resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 11 day of May, 2026, and that the same is a true and
correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 12 day of May, 2026.



[Signature]
JULIE SHIROISHI, CLERK OF THE LEGISLATURE

RESOLUTION NO. ____ 2026

LOCAL LAW NO. ____ OF 2026

COUNTY OF DUTCHESS

**A LOCAL LAW REQUIRING FOOD SERVICE ESTABLISHMENTS TO PROVIDE
SINGLE-USE FOODWARE AND CONDIMENT PACKETS ONLY UPON REQUEST**

BE IT ENACTED by the County Legislature of the County of Dutchess, State of New York, as follows:

SECTION 1. TITLE

This law shall be known as the "Dutchess County Single-Use Foodware Reduction Law. "

SECTION 2. LEGISLATIVE INTENT AND FINDINGS

Dutchess County has taken significant steps in environmental stewardship, including banning polystyrene foam disposable food service ware through Local Law No. 5 of 2017 and plastic bags through Local Law No. 6 of 2018. The County has further demonstrated its commitment to waste reduction through an amendment to the 2025 budget that allocates funding for a comprehensive waste reduction study.

Waste generation has been steadily increasing in Dutchess County, and New York State faces an imminent waste management crisis. The state's remaining landfills are projected to have only 16 years of capacity.

The Dutchess County Legislature finds that single-use foodware items, including plastic utensils, napkins, condiment packets, and beverage accessories, contribute significantly to environmental pollution and waste. The United States uses over 100 million plastic utensils daily and discards billions of single-use condiment packets annually, with most ending up in landfills, incinerators, or as litter in waterways and natural areas. Plastic production relies on fossil fuels, and plastic waste takes centuries to decompose while breaking down into harmful microplastics that threaten drinking water supplies, wildlife, ecosystems, and potentially human health. Less than 10 percent of all plastics produced have been recycled, while nearly 80 percent have ended up in landfills or the environment.

By making single-use foodware items available only upon request, this law aims to reduce unnecessary waste, conserve resources, decrease pollution, and empower consumers to make environmentally conscious choices.

This law will also help local businesses, particularly small businesses, reduce costs associated with providing unrequested single-use items. These cost savings can be significant - businesses can save hundreds to thousands of dollars annually by eliminating unnecessary single-use items, reducing their operational expenses while also contributing to environmental protection.

The Dutchess County Legislature recognizes that sustainable change is best achieved through collaboration, education, and positive incentives rather than punitive measures. This law is designed to support food service establishments in their transition to more sustainable practices.

This law is intended to reduce the amount of waste produced in the county, protect and enhance the natural environment of Dutchess County, preserve its resources for current and future generations, and benefit the health, safety, and welfare of County residents.

SECTION 3. DEFINITIONS

As used in this law, the following terms shall have the meanings indicated:

"Beverage stirrer" shall mean a device primarily intended to be used to mix beverages.

"Beverage splash stick" shall mean a device primarily intended to be used to keep heat and liquid from escaping a lidded cup.

"Condiment packet" shall mean an individual single-service container, sealed by the manufacturer, containing a sauce or other substance used to enhance the flavor of food, including but not limited to, mustard, ketchup, mayonnaise, soy sauce, hot sauce, salt, pepper, and salad dressing.

"Dine-in" shall mean food or beverage provided by a food service establishment to be consumed on the premises.

"Food service establishment" shall mean any establishment located within the County of Dutchess and permitted by the County of Dutchess that sells or provides prepared food or beverages for consumption on or off its premises, including but not limited to restaurants, cafes, bars, take-out food operations, caterers, cafeterias, and mobile food vendors. Food service operations regulated by the New York State Department of Agriculture & Markets are exempt from this law for practical and jurisdictional reasons.

"Plastic" shall mean a synthetic material made from organic polymers, including, but not limited to, polypropylene and polystyrene, that can be molded into shape while soft, and then set into a rigid or slightly elastic form.

"Self-service station" shall mean a designated area or mechanical dispenser in a food service establishment where customers may help themselves to single-use foodware or condiment packets.

"Single-use foodware" shall mean any eating utensil or other item used as part of food or beverage service that is designed and intended by the manufacturer for only one use before being discarded, including, but not limited to, forks, spoons, sporks, knives, chopsticks, beverage straws, beverage stirrers, beverage splash sticks, cocktail sticks, toothpicks, napkins, wet-wipes, cup sleeves, beverage trays, beverage lids, empty plates, empty bowls, and empty cups. For the

purposes of this law, "single-use foodware" does not include containers actively holding food or beverages, such as plates, bowls, and cups.

"Take-away" shall mean food or beverage provided by a food service establishment or retail food store to be consumed off the premises, including same-day delivery or same-day pickup of food and beverages.

"Third-party food delivery service" shall mean any website, mobile application, or other internet service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, a food service establishment; and that is owned and operated by a person other than the person who owns such food service establishment.

SECTION 4. RESTRICTIONS ON SINGLE-USE FOODWARE AND CONDIMENT PACKETS

A. No food service establishment or retail food store shall provide single-use foodware, or condiment packets to any dine-in or take-away customer, whether directly to such customer or through a third-party food delivery service, unless the customer requests such single-use foodware or condiment packets.

B. Notwithstanding requests for single-use foodware or condiment packets by any dine-in or take-away customer, no food service establishment shall provide, in a self-service station or otherwise, single-use foodware or condiment packets that are bundled or packaged in a manner that prohibits a dine-in or take-away customer from taking only the type of single-use foodware item or condiment packet desired.

SECTION 5. ORDERING OPTION REQUIREMENTS

A. Food service establishments that supply single-use foodware or condiment packets shall provide options to allow a customer to affirmatively request applicable single-use foodware or condiment packets when ordering dine-in or take-out food and beverages across all ordering or point of sale platforms, including through in-person, telephone, and electronic orders.

B. For electronic orders, the default selected option shall be that no single-use foodware or condiment packets are requested.

C. The food service establishment shall coordinate with any third-party food delivery service, as necessary, to prompt the customer to affirmatively request single-use foodware or condiment packets as applicable.

SECTION 6. NOTIFICATION REQUIREMENT

A. Each food service establishment that provides single-use foodware and/or condiment packets shall post at least one sign in a location easily visible to each customer which shall state:

"PLEASE ASK FOR SINGLE-USE FOODWARE ITEMS AND CONDIMENT PACKETS."

Items mentioned above that are not offered by the establishment shall not be included in signage.

B. Such a sign shall be posted in a conspicuous area on the premises in a manner that is clearly visible to customers approaching a point of service.

C. The sign shall be at least two inches by seven inches, and text on the sign shall be no smaller than 21-point font size and in a contrasting color to the background.

D. Signs shall be protected from tampering, damage, removal, or concealment.

SECTION 7. EXEMPTIONS

The following situations are exempt from the restrictions set forth in this law:

A. Food service establishments may allow customers to access a self-service station for single-use foodware and/or condiment packets, provided that such items are not bundled or packaged together in a manner that prohibits a customer from taking only the type desired.

B. For take-away orders, food service establishments and/or third-party food delivery services may choose to include specific single-use foodware, such as beverage lids and beverage trays, in order to prevent spills and ensure safety.

C. Food service establishments may provide single-use foodware or condiment packets that are prepackaged with or attached to any food or beverage products by the manufacturer prior to receipt by the food service establishment.

D. Food service establishments may provide single-use foodware or condiment packets with free or reduced-price meals as part of a charitable program or donation, including, without limitation, free or reduced-price meals provided by school systems, homeless shelters, and programs that deliver meals.

E. Food service establishments may provide single-use foodware items or condiment packets pursuant to a state of emergency declared by appropriate authorities.

F. Hospitals, health-care facilities, and congregate care facilities (including nursing homes, assisted living facilities, hospice facilities, rehabilitation facilities, correctional facilities, and residential treatment centers) may provide single-use foodware or condiment packets, including those that are bundled or packaged together, to their patients and/or residents.

SECTION 8. COMPLIANCE ASSISTANCE

The Department of Health, in coordination with the County Executive's office, shall develop and distribute multilingual resources and materials to assist business owners in complying with this law.

SECTION 9. ENFORCEMENT

A. **Authority.** The Commissioner of the Department of Health shall have oversight of this law and is authorized to promulgate rules and regulations and to take any action reasonable and necessary to ensure compliance, including providing assistance, investigating potential violations, and entering the premises of any establishment during business hours. Enforcement shall be administered in accordance with the Dutchess County Sanitary Code enforcement process.

B. Progressive Compliance.

1. *Implementation Period.* During the first eighteen (18) months following the effective date of this law, the Department shall focus exclusively on education and outreach. No penalties shall be assessed during this period. An establishment found to be out of compliance shall receive a Compliance Assistance Notice identifying the applicable requirements and shall be provided a follow-up visit to verify compliance.
2. *Penalty Recommendation.* No later than fifteen (15) months following the effective date of this chapter, the Commissioner shall submit to the Chair of the Legislature a recommendation regarding the imposition of penalties for noncompliance and the appeal process, so that such penalties and the appeal process may take effect upon the expiration of the implementation period.
3. *Full Enforcement.* Upon the expiration of the implementation period, the Department of Health shall enforce and administer the requirements of this chapter, including the imposition of any penalties and the appeals process adopted pursuant to subdivision B (2) of this section.

SECTION 10. SEQRA DETERMINATION

It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 NYECL Section 0101 et seq., and its implementing regulations, Part 617 of 6 NYCRR, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 NYCRR, and, accordingly, is of a class of actions which do not have a significant impact on the environment and no further review is required.

SECTION 11. APPLICATION

This Local Law shall apply to all actions occurring on or after the effective date of this law.

SECTION 12. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 13. REVERSE PREEMPTION

This article shall be null and void on the day that statewide law goes into effect, incorporating either the same or substantially similar provisions as are contained in this Article, or in the event that a pertinent state agency issues and promulgates regulations preempting such action by the County of Dutchess. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions of this section.

SECTION 14. EFFECTIVE DATE

This local law shall become effective 180 days after its filing in the Office of the Secretary of State pursuant to the applicable provisions of the Municipal Home Rule Law and shall apply to all transactions occurring on or after such date.

**DUTCHESS COUNTY DEPARTMENT OF LAW
CAROLINE E. BLACKBURN, COUNTY ATTORNEY
County Office Building
22 Market Street
Poughkeepsie, New York 12601
Tel. (845) 486-2110 • Fax (845) 486-2002**

MEMORANDUM:

TO: AnneMarie Andrews, Executive Secretary, County Executive's Office

FROM: Caroline E. Blackburn, County Attorney 

DATE: May 27, 2026

SUBJECT: Public Hearing for a Local Law Requiring Food Service Establishments to
Provide Single-Use Foodware and Condiment Packets Only Upon Request
Resolution No. 2026086
Our File No. G-1993

The following original documents are attached: sign in sheet, opening statement, and notes on the public hearing.

CEB/rjw
Enc.

NOTES ON PUBLIC HEARING
Resolution No. 2026086
May 27, 2026

The public hearing was declared open at 10:05 a.m. by the presiding officer, Caroline E. Blackburn, County Attorney, the designated hearing officer for County Executive Susan J. Serino.

The Legal Notice invited interested parties to be heard concerning:

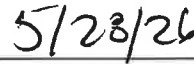
A Local Law Requiring Food Service Establishments to Provide Single-Use Foodware and Condiment Packets Only Upon Request.

Please note the appearances on the sign in sheet. There were no statements made, submissions or requests to send in written statements.

The Public Hearing was declared closed at 10:12 a.m.



Caroline E. Blackburn, County Attorney
Designated Hearing Officer for:
Susan J. Serino, Dutchess County Executive



Date

OPENING STATEMENT
BY CAROLINE E. BLACKBURN
May 27, 2026 at 10:00 a.m.

Good morning. I am Caroline E. Blackburn, County Attorney. As County Attorney I have been assigned to conduct this hearing on behalf of the County Executive. A summary of all oral testimony and the original documentation of any written testimony presented shall be provided to the County Executive for her review and consideration.

The purpose of this public hearing is to receive comments from the public regarding a local law enacted by the Dutchess County Legislature on May 11, 2026. This local law requires food service establishments to provide single-use foodware and condiment packets only upon request.

All those who wish to speak will be allowed 3 minutes each. You may also submit a written statement today if you wish.

All comments must be confined to the local law. I am here today to listen to you; accordingly, there will be no discussion or question and answer period.

Please note that these proceedings will be audio taped.

Please state your name and address before making a statement. If you have not already done so, please enter your name and address on our “sign-in” sheet. You will be called in the order you signed in. In order to move things along, note the names called before yours. Elected officials will be last.

Before we begin public comment, let the record show that notice of this hearing was published once in the Poughkeepsie Journal on or before May 20, 2026 and once in the Southern Dutchess News on or before May 20, 2026.

We will now open the hearing for comment.

SIGN IN SHEET # 1 OF 1

Local Law Requiring Food Service Establishments to
Provide Single-Use Foodware and Condiment Packets Only Upon Request
located at 22 Market Street, Poughkeepsie, New York 12601
PUBLIC HEARING, May 27, 2026 at 10:00 a.m.

PLEASE PRINT CLEARLY

NAME (PRINT)	ADDRESS (PRINT)	PHONE	ORGANIZATION OR AFFILIATION (IF ANY)	WISH TO SPEAK (YES OR NO)
Yvette Valdes Smith	36 Magnolia Dr. Wappingers Falls NY	845-742-7330	DC Gov. Leg.	NO
Clara Masters	13 Green St. Beacon NY 12508	845-745-2532	DC Leg.	NO
Julie Shindler	123 E. Willow St. Beacon NY 12508	347-638-6424	DC Leg	NO
Lisa Kaul	74 Boardman Rd. Poughkeepsie, NY 12603	845-309-4507	DC Leg	NO

SOUTHERN DUTCHESS NEWS
NORTHERN DUTCHESS NEWS
84 EAST MAIN STREET
WAPPINGERS FALLS, NY 12590

Affidavit of Publication

TO: DUTCHESS COUNTY EXECUTIVE'S OFFICE
22 MARKET STREET
POUGHKEEPSIE, NY 12601

Re: Legal Notice # 62476 PUBLIC HEARING 5/27/26 LOCAL LAW RESOLUTION 2026086

State of NEW YORK)
) SS:
County of DUTCHESS)

The undersigned is the publisher of Southern Dutchess News, a weekly newspaper published in WAPPINGERS FALLS, NEW YORK. A notice regarding PUBLIC HEARING 5/27/26 LOCAL LAW RESOLUTION 2026086 was published in said newspaper once on 5/20/26. The text of the notice as published in said newspaper is as set forth below.

Legal Notice
Resolution 2026086
May 15, 2026
NOTICE IS HEREBY
GIVEN that a public
hearing will be held by
the County Attorney of
Dutchess County in
the County Office
Building, County At-
torney's Conference
Room, 5th Floor, 22
Market Street, Pough-
keepsie, New York, on
the 27th day of May
2026 at 10:00 a.m. on
the following Local
Law:
A LOCAL LAW RE-
QUIRING FOOD
SERVICE ESTAB-
LISHMENTS TO
PROVIDE SINGLE-
USE, FOODWARE
AND CONDIMENT
PACKETS ONLY
UPON REQUEST.
At said time and place,
all parties interested
will be heard.
Dated: May 15, 2026
Poughkeepsie, NY
Susan Serino
Dutchess County
Executive

ALBERT M. OSTEN, Publisher

By: 
AUDREY SNIDER
Authorized Designee of the Publisher

Sworn to before me this 20th day of May, 2026.


NANCY HYDUKE
Notary Public, State of NEW YORK
No. 01HY6221990
Qualified in DUTCHESS County
My commission expires on September 26, 2026

AFFIDAVIT OF PUBLICATION

State of New York
County of Dutchess

A. Kolott being duly sworn, deposes and says she is the Principal Clerk of **The Poughkeepsie Journal**, Division of Gannett Newspaper Subsidiary, publishers of following newspaper and published in the County of Dutchess and the State of New York, of which annexed is a printed copy, out from said newspaper has been published in said newspaper editions dated:

05/20/2026

Subscribed and sworn to before me this 20 day of May, 2026

Notary Public
State of Wisconsin, County of Brown

Amy Kolott
Vicky Felty

VICKY FELTY
Notary Public
State of Wisconsin

919.2940

**Legal Notice
Resolution 2026086
May 15, 2026**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the County Attorney of Dutchess County in the County Office Building, County Attorney's Conference Room, 5th Floor, 22 Market Street, Poughkeepsie, New York, on the 27th day of May 2026 at 10:00 a.m. on the following Local Law:

A LOCAL LAW REQUIRING FOOD SERVICE ESTABLISHMENTS TO PROVIDE SINGLE-USE FOODWARE AND CONDIMENT PACKETS ONLY UPON REQUEST.

At said time and place, all parties interested will be heard.

Dated: May 15, 2026 Susan Serino
 Poughkeepsie, NY Dutchess County Executive
12340814

FISCAL IMPACT STATEMENT

A. ☒ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by the requesting department)

Total Current Year Cost \$ 0 _____

Total Current Year Revenue \$ _____
and Source

Source of County Funds (check one):

A. Existing
Appropriations

A. Contingency

C. Transfer of Existing
Appropriations

B. Additional
Appropriations

B. Other
(explain)

Identify Line Item(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County:

Net County Cost (this year): _____

Over Five Years: _____

Additional Comments / Explanation:

The Department of Health will perform the education and enforcement function of this legislation within their current inspection and complaint processes and policies. There will not be the need for additional staff resources or other related costs.

Prepared by: __Lisa R. Kaul _____ Prepared On: _April 9,
2026_____

Environment Committee Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 16 - Fishkill and Beacon	Valdés Smith*	X	
District 9 - City of Poughkeepsie	Atkins*	X	
District 20 - Red Hook, Tivoli, and Rhinebeck	Munn*	X	
District 3 - LaGrange	Polasek*	X	
District 12 - East Fishkill	Metzger*	X	
District 1 - Town of Poughkeepsie	Redl	X	
District 5 - Town of Poughkeepsie	Shah	X	
District 6 - Town of Poughkeepsie	Kaul (C)	X	
District 13 - East Fishkill and Wappinger	Giles	X	
District 14 - Wappinger and Town of Poughkeepsie	Winsby (VC)	X	
District 21 - East Fishkill	Caswell	X	
District 25 - Amenia, Washington, Pleasant Valley & Millbrook	Alexander		ABSENT

Present: <u>11</u>	Resolution: <u> </u>	Total : <u>11</u>
Absent: <u>1</u>	Motion: <u> </u>	Yes No
Vacant: <u> </u>		Abstentions: <u> </u>

2026086 RE: LOCAL LAW NO. __ OF 2026, A LOCAL LAW REQUIRING FOOD SERVICE ESTABLISHMENTS TO PROVIDE SINGLE-USE FOODWARE AND CONDIMENT PACKETS ONLY UPON REQUEST

Roll Call Sheets

District	Last Name	YES	NO
District 16 - Fishkill and Beacon	Valdés Smith	X	
District 9 - City of Poughkeepsie	Atkins	X	
District 20 - Red Hook, Tivoli, and Rhinebeck	Munn	X	
District 3 - LaGrange	Polasek	X	
District 12 - East Fishkill	Metzger	X	
District 1 - Town of Poughkeepsie	Redl	X	
District 2 - LaGrange, Pleasant Valley & Town of Poughkeepsie	Arnoff	X	
District 4 - Hyde Park and Town of Poughkeepsie	Lawler	X	
District 5 - Town of Poughkeepsie	Shah	X	
District 6 - Town of Poughkeepsie	Kaul	X	
District 7 - Hyde Park and Pleasant Valley	Darrow	X	
District 8 - City and Town of Poughkeepsie	Brendli	X	
District 10 - City of Poughkeepsie	Johnson		ABSENT
District 11 - Clinton, Pleasant Valley, and Rhinebeck	Kearney	X	
District 13 - East Fishkill and Wappinger	Giles	X	
District 14 - Wappinger and Town of Poughkeepsie	Winsby	X	
District 15 - Wappinger	Faust	X	
District 17 - Town and Village of Fishkill	McHoul	X	
District 18 - City of Beacon and Fishkill	Rhodes	X	
District 19 - North East, Stanford, Pine Plains, Milan & Red Hook	Drago	X	
District 21 - East Fishkill	Caswell	X	
District 22 - Beekman and Union Vale	Tresca	X	
District 23 - Pawling, Beekman and East Fishkill	Rolison	X	
District 24 - Dover and Pawling	House	X	
District 25 - Amenia, Washington, Pleasant Valley & Millbrook	Alexander	X	
Present: <u>24</u>	Resolution: _____	Total : <u>24</u>	_____
Absent: <u>1</u>	Motion: _____	Yes	No
Vacant: _____		Abstentions: _____	

CONSENT AGENDA: RESOLUTIONS 054, 064, 065, 066, 067, 068, 069, 070, 071, 072, 074, 075, 078, 079, 080, 081, 083, 084, 086, 087, 088 OF THE YEAR 2026