Frequently Asked Questions – AB 1276 (Single-Use Foodware and accessories and Standard condiments)

This law expands on the current state law regarding single-use plastic straws (AB 1884)

1. What is the new law regarding Single-Use Foodware and accessories and Standard condiments?
   • AB 1276 prohibits a food facility from providing any single-use foodware accessories or standard condiment unless requested by the consumer
   • Allows the food facility to ask drive-thru or walk-thru consumers if the consumer wants a single-use foodware accessories or condiments
   • Requires food facility using a third-party food delivery platform to list on its menu the availability of single-use foodware accessories and standard condiments and to provide those items when requested.

2. What is considered a food facility?
   • A food facility is defined in Section 113789 of the Health and Safety Code.
   • An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level
   • Food is consumed on or off the premises
   • Permanent and nonpermanent food facilities (Examples include restaurants, mobile/temporary food facilities certified farmer’s markets, etc...)
   • Exemptions: Correctional institutions, Health care facilities, Residential care facilities, Public and private school cafeterias
3. **Who is the enforcement agency?**
   - The Environmental Health Bureau of the County of Monterey which includes incorporated cities and the unincorporated areas of the county.

4. **Are there any penalties for the enforcement process?**
   - Yes, the bill specifies that the first and second violations of these provisions would result in a notice of violation and any subsequent violation would be an infraction punishable by a fine of $25 for each day the food facility is in violation, but not to exceed an annual total of $300.

5. **What is single-use foodware accessories?**
   - Utensils examples are forks, knives, spoons & sporks
   - Chopsticks, straws, stirrers, splash sticks, cocktail sticks
   - Condiment cups and packets.

6. **What are standard condiments?**
   - These are ketchup, mustard, mayonnaise, soy sauces, hot sauce, salsa, salt, pepper, sugar, and sugar substitutes.

7. **When are food facilities required to comply?**
   - Effective June 1, 2022, food facilities are required to comply with the provisions of AB 1276

8. **Whom can I contact for additional information?**
   - Contact the County of Monterey-Environmental Health Bureau, Consumer Health Protection Services program by phone at (831) 755-4508 or the website at [www.mtyhd.org](http://www.mtyhd.org)