



SPONSOR: Rep. Phillips & Sen. Paradee  
Reps. Morrison, Snyder-Hall, Burns, Gorman,  
Kamela Smith; Sens. Cruce, Hansen

HOUSE OF REPRESENTATIVES  
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 111

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO REDUCING THE AUTOMATIC PROVISION OF SINGLE-USE EATING UTENSILS, CONDIMENT PACKETS, AND OTHER ITEMS.

1 WHEREAS, discarded single-service plastic items constitute a significant and growing portion of litter found in  
2 Delaware's parks, beaches, streets, and other public spaces; and

3 WHEREAS, non-biodegradable and non-recyclable materials pose a challenge to any environmentally and  
4 financially responsible solid waste management program; and

5 WHEREAS, regulation of food packaging is necessary to encourage a recyclable waste stream and to  
6 reduce the volume of solid waste disposed and the economic and environmental costs of waste management; and

7 WHEREAS, New York City, Washington DC, Denver, Chicago, California, Washington State, numerous New  
8 Jersey municipalities, and others have passed Skip the Stuff laws to reduce the automatic dispensing of plastic utensils,  
9 condiments, and other single use items by food establishments; and

10 WHEREAS, many restaurant takeout and delivery orders are eaten at home or in an office, where reusable  
11 utensils are available and preferred; and

12 WHEREAS, the Department of Health and Social Services already regulates food establishments for health  
13 and safety measures and conducts routine enforcement inspections.

14 NOW, THEREFORE:

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

16 Section 1. Amend Chapter 30Q, Title 16 of the Delaware Code by making deletions as shown by strike through  
17 and insertions as shown by underline as follows and by redesignating accordingly:

18 § 3001Q. Definitions [Effective July 1, 2025].

19 For purposes of this chapter:

20 ( ) “Beverage splash stick” means a device primarily intended to be used to keep heat and liquid from  
21 escaping a lidded cup.

22           ( ) “Condiment packet” means an individual single-service container, sealed by the manufacturer, containing a  
23 sauce or other substance used to enhance the flavor of food, which may include mustard, ketchup, mayonnaise, soy  
24 sauce, hot sauce, or salad dressing.

25           ( ) “Eating container” means a tool used for holding food or beverage, including a plate, bowl, cup, or lid.

26           ( ) “Eating utensil” means a tool used for eating or drinking, including a knife, fork, spoon, or chopsticks.  
27 Eating utensils do not include beverage stirrers or beverage straws.

28           ( ) “Extra eating container” means an empty eating container that is not used to hold a customer’s food or  
29 beverage.

30           ( ) “Napkin” means a piece of cloth or paper used to wipe a person’s hands or face or to protect garments  
31 while eating.

32           ( ) “Take-away” means food or beverage provided by a food establishment to be consumed off the premises of  
33 such food establishment.

34           ( ) “Single-use food service items” means items that may be provided as or with packaging for food that is  
35 delivered, picked up, or taken to go from a food establishment, and includes utensils, napkins, condiment packs, straws,  
36 beverage splash sticks, beverage stirrers, and other items designed for one-time use, and may include both plastic and  
37 non-plastic items.

38           ( ) “Third-party food delivery platform” means an online or mobile platform of a third party food delivery  
39 service on which a consumer may view products available for sale and place an order for a food establishment’s  
40 products.

41           ( ) “Third-party food delivery service” means any website, mobile application, or other internet service that:  
42           a. Offers or arranges for the sale of food or beverages prepared by, and the same day delivery or pickup  
43 of food, beverages, or other goods from a food establishment, either independently or on behalf of the food  
44 establishment.

45           b. Is owned and operated by a person other than the person who owns the food establishment from which  
46 the food is sold, delivered, or picked up.

47           § 3005Q. Penalties [Effective July 1, 2025].

48           (a) Beginning July 1, 2026, a violation of § 3002Q, § 3003Q, or § 3004Q of this title or any rule or regulation  
49 promulgated thereunder that has not been corrected within the 30-day period after the written warning under subsection (c)  
50 of this section is issued shall be deemed a core item violation of the Delaware Food Code and subject to administrative  
51 penalty thereunder and under § 107 of Title 16.

52 (b) The license of a food establishment shall not be suspended or revoked solely for any single or reoccurring core  
53 item violation of § 3002Q, § 3003Q or § 3004Q of this title or any rule or regulation promulgated thereunder.

54 (c) The Secretary, or a person designated by the Secretary, must provide a food establishment or third-party food  
55 delivery service that fails to comply with any of the requirements of this chapter an initial written warning and allow the  
56 restaurant or third-party food delivery service 30 days to correct the violation.

57 § 3007Q. Restrictions on providing single-use food service items.

58 (a) A food establishment or third-party food delivery service may only provide single-use food service items to a  
59 customer if explicitly requested by the customer.

60 (1) A food establishment or third-party food delivery service must provide options to allow a customer to  
61 request single-use food service items upon submission of an order if such items are offered by the food service  
62 establishment fulfilling the order. Such options must be prominently and conspicuously provided for all methods of  
63 ordering, including phone, internet, or mobile phone application orders. The default selected option must be that no  
64 single-use food service items are requested.

65 (2) A food establishment or third-party food delivery service or employee of a food establishment or third-  
66 party food delivery service may not make inquiry into the reason for a request for single-use food service items.

67 (3) A food establishment may maintain a self-service station at which single-use food service items are  
68 available without violating this section.

69 (b)(1) If a food establishment fills an order placed through a third-party food delivery service, the food  
70 establishment may rely on the information provided by the third-party food delivery service about whether a request for  
71 single-use food service items was made.

72 (2) In a proceeding to impose an administrative penalty under § 3005Q of this title, it is a complete defense  
73 that a food establishment relied on information provided by a third-party food delivery service about a customer's  
74 choice under subsection (a) of this section.

75 (3) A copy or screenshot of a communication by a third-party food delivery service regarding a customer's  
76 choice under subsection (a) of this section is prima facie evidence that the food establishment relied on the information  
77 provided to it by the third-party food delivery service. A third-party food delivery service must provide a copy or  
78 screenshot of the communication in writing to a food establishment within 72 hours of a request from the food  
79 establishment for a copy or screenshot of the communication.

80 Section 2. This Act takes effect on January 1, 2026.

SYNOPSIS

This Act prohibits food establishments from providing any single-use food service items, whether plastic or not, unless specifically requested by a customer. This Act also requires a written notice to be provided to a food establishment or third-party delivery service that violates the Skip the Stuff Act allowing the entity to correct the violation within 30 days. This Act is effective on January 1, 2026.