



November 13, 2025

NJSBA Position Statement

OPPOSING

Senate Bill No. 3195

(Smith / Mukherji)

Prohibits food service businesses from providing single-use utensils and condiments to customers, except upon request, and requires certain food service businesses to provide reusable, washable utensils to customers eating on site.

The New Jersey School Boards Association (NJSBA), a federation of all the state's local boards of education, respectfully opposes S-3195 in its current form. As amended, this legislation would prohibit food service businesses – including schools – from providing single-use utensils and condiments to customers, except upon request, and would require certain food service businesses – including schools – to provide reusable, washable utensils to customers eating on site. **For the reasons set forth below, the NJSBA strongly encourages the Legislature to amend this legislation to fully exclude New Jersey's schools from its requirements.**

The NJSBA believes that local boards of education should provide conditions and establish policies that will ensure the health and safety of students. The NJSBA also believes that the state or federal governments must provide funding for mandated programs. As currently written, the provisions of S-3195 would require schools to purchase reusable utensils and purchase and maintain dishwashing equipment, resulting in increased staffing needs. These mandated costs will place undue financial burden on districts across the state, necessitating cuts to other services or staff. The bill's punitive fines of up to \$5,000 per offense will also pose significant financial strain on school districts.

The NJSBA also believes that boards of education have a responsibility to ensure that schools are safe havens for learning by taking actions to diminish the potential for violence and bullying in their schools. Reusable utensils can easily be misused or turned into weapons, threatening the safety of students.

Local boards of education should maintain the authority to switch from single-use to reusable utensils and condiments if it makes sense to do so in their communities. Some districts may already have adequate finances, staffing, and equipment to abide by the conditions imposed in the bill; however, imposing a statewide mandate takes away local decision-making authority from boards of education and forces increased costs onto districts and taxpayers.

While the NJSBA appreciates previous committee amendments in Section 2 that grant schools a five-year exemption following the bill's effective date, that short-term exemption only delays the inevitable cost burdens and safety concerns that districts will face upon compliance. **Therefore, the NJSBA respectfully urges the Senate Budget and Appropriations Committee to amend S-3195 to fully exempt schools from its requirements.**

Thank you for your consideration of the NJSBA's position on this important matter. Any questions or comments may be directed to Harrison Silver, NJSBA Legislative Advocate, at hsilver@njsba.org or (609) 278-5285.