



CUP BY-LAW – JANUARY 1, 2022

FREQUENTLY ASKED QUESTIONS

Where can I find the cup by-law?

The rules governing single-use beverage cups are a series of amendments to License By-law No. 4450. These by-law amendments are available at vancouver.ca/cups and include:

- **By-law 12622 (amends License By-law 4450 regarding single-use cups)**
- **By-law 12844 (amends License By-law 4450 regarding the effective date of requirements for single-use beverage cups)**

The consolidated License By-law No. 4450 is available at vancouver.ca/your-government/licence-bylaw

Why regulate single-use beverage cups?

The cup by-law is part of a suite of actions the City is taking to reduce single-use item waste as we work towards becoming a zero-waste community by 2040. Single-use cups make up fifteen per cent of large litter on Vancouver streets. In 2018, about 82 million single-use cups were thrown in the garbage in Vancouver. Of these, 51% were paper cups for hot beverages, 25% were paper cups for cold beverages and 24% were plastic cups.

Why is the minimum fee on single-use cups set at \$0.25?

The fee is harmonized with other places that restrict single-use cups, such as the University of British Columbia and Berkeley, California, and is set high enough to incentivize customers to choose reusable cups. Help your customers avoid fees and reduce waste by providing reusable cups for drinks to stay, participating in a reusable cup-share program, and encouraging customers to bring their own reusable cup.

Are fees on single-use cups subject to GST and PST?

Yes.

Can food vendors charge more than the minimum \$0.25 fee on single-use cups?

Yes. Food vendors can choose to charge more than \$0.25 per single-use cup as long as the fees are communicated to customers as required by the by-law.

As we take steps to reduce waste from single-use items during COVID-19, we have worked to ensure all of our by-laws align with the latest public health guidelines and protect the health and safety of residents, businesses and their staff.

For the latest COVID-19 health requirements and resources, please visit:

- The Provincial Health Officer's web page for orders, notices and guidance.
- The British Columbia Centre for Disease Control (BCCDC), including the food business web page.
- Vancouver Coastal Health's environmental health and inspections web page.
- Work Safe BC.



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Are food vendors required to charge different fees for different sizes or types of cups?

No. Food vendors must charge at least \$0.25 on each single-use cup distributed, regardless of size or type. However, food vendors can choose to charge more than \$0.25 for different cup sizes or types.

When customers ask for a “double cup,” should food vendors charge the cup fee twice?

Yes. Food vendors must charge the minimum \$0.25 fee on each single-use cup distributed.

Does the cup fee have to be charged on each cup provided with carafes?

Yes. Food vendors must charge the minimum \$0.25 fee on each single-use cup distributed, including cups provided with carafes.

Are fees required for plastic cup lids?

No.

Can discounts still be offered for customers who bring or choose reusable cups?

Yes. However, discounts for reusable cups are not a substitute for fees. Food vendors that offer discounts must still charge at least \$0.25 for each single-use cup distributed.

Who keeps the fees from single-use cups? Is revenue from cup fees remitted to the City?

Food vendors keep all revenue from single-use cup fees. Fees are not remitted to the City.

What should food vendors do with the fees collected on single-use cups?

Food vendors are encouraged to use the fees to:

- Invest in reusable alternatives for single-use items, such as reusable cups for drinks to stay and commercial dishwashers.
- Participate in reusable cup-share programs.
- Cover the cost of complying with the cup by-law, like software updates, training staff etc.

Do food vendors have to inform my customers of the minimum fee on single-use cups?

Yes. All cup fees must be displayed on menu boards, menus and internet-based ordering platforms, and must be shown as a separate line item on any receipts provided to customers by using wording such as “CUP FEE”.

Do food vendors have to provide a receipt when drinks are purchased?

No. The cup by-law does not require food vendors to provide a receipt for drink purchases. However, if and when a receipt is provided, food vendors must ensure that cup fees are shown as a separate line item on the receipt, by using wording such as “CUP FEE”.



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What do food vendors need to do to report their annual distribution of cups?

Starting with the business licence renewal for 2023, the number of single-use cups distributed at each licenced location in the past 12 months must be reported to the City, unless the location is participating in a reusable cup-share program that started anytime in the past year and is communicated to customers at the point of sale.

We recommend food vendors put a system in place to track the number of single-use cups distributed each year. Examples include electronic point of sale (POS) systems, or counting how many cups are in inventory at the beginning and end of the year.

What is a reusable cup-share program?

A reusable cup-share program allows customers to receive their drink in a reusable cup they can take to-go, and return to the business or another drop-off location at a later time. It's like car-share or bike-share, but for cups.

If a food vendor has a reusable cup-share program at some, but not all, locations in Vancouver, do they have to report the number of cups distributed?

Yes. Food vendors are required to report the number of single-use cups distributed at each location with a Vancouver business licence that does not offer a reusable cup-share program.

For example, if a food vendor has two locations in Vancouver but only offers a reusable cup-share program at one of them, the food vendor is only required to report the number of single-use cups distributed at the location that does not offer cup-share.

Do the \$0.25 fee and reporting requirements apply to single-use cups used to serve bubble tea?

Yes.

Are food delivery services required to comply with the cup by-law?

If a business only provides delivery services and does not sell prepared food, this by-law does not apply directly to them. However, food vendors located in Vancouver must comply with the cup by-law, including sales through food delivery services. All food delivery service providers should update their online, mobile and telephone ordering platforms to ensure that food vendors in Vancouver charge a minimum \$0.25 fee on single-use cups.

Do charities and not-for-profits have to charge the \$0.25 fee on cups and report the number distributed?

Registered charities or not-for-profit corporations are not required to charge fees on, or report the number of, single-use cups used to provide charitable food services. "Charitable food services" means providing food for free or at low cost by an organization that is incorporated and in good standing under the Societies Act, or registered as a charitable organization under the federal Income Tax Act. However, registered charities and not-for-profit corporations must charge the cup fee and report the number of cups distributed for purposes other than providing charitable food services.



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Who and what is exempt from the cup by-law?

Hospitals and community care facilities: The cup by-law does not apply to food service for patients in hospitals or residents of community care facilities. However, the cup by-law does apply to food vendors with a Vancouver business licence whose premises are located in hospitals or community care facilities (for example: cafeterias, cafes) that serve beverages in single-use cups.

Charitable food services: Registered charities and not-for-profit corporations¹ are not required to charge fees on single-use cups used to provide beverages for free or at low cost, or report the number of cups used for this purpose.

Food served in cups: The cup fee and reporting requirements do not apply to single-use cups used to serve prepared food, such as soup, pudding, frozen desserts etc.

Selling packages of single-use cups in stores: Retailers are still permitted to sell packages of at least 6 single-use cups sold for personal use.

Why are hospitals and community care facilities exempt from the cup by-law?

The by-law exemption for hospitals and community care facilities gives health organizations flexibility to address health care needs to meet infection control, workplace health and safety, and patient care standards. For example, some single-use items are necessary to serve prepared food to hospital patients to reduce the risk of spreading infections, and single-use plastic cutlery is the preferred option in psychiatric units to address safety concerns.

The City is aware that health organizations are investigating opportunities to reduce distribution of single-use items in health care on an ongoing basis.

How will the City enforce the cup by-law?

Due to the extenuating circumstances of COVID-19, City staff are prioritizing outreach and education to ensure food vendors have the support they need to comply with the single-use item by-laws. If a business is found to be out of compliance with the single-use item by-laws that are in effect, initial City actions will focus on education, outreach and support to help them comply.

Following these initial educational actions to achieve compliance, increasing levels of enforcement may be applied to address non-compliant operators. Enforcement may include issuing tickets, which carry a fine of \$500 per offence, or further prosecutions in provincial court that could be subject to a maximum fine of \$10,000 per offence. Ongoing non-compliance may also result in business licence suspensions, or recommendations for business licence revocation.

For the latest updates on enforcement, visit vancouver.ca/reduce-single-use

¹ Organizations must be incorporated and in good standing under the Societies Act, or registered as a charitable organization under the federal Income Tax Act to qualify for the charitable food services exemption.



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Are reusable cups allowed during the COVID-19 pandemic?

Under current BC Centre for Disease Control and Vancouver Coastal Health guidelines, vendors can provide reusable cups and accept customers' reusable cups during the COVID-19 pandemic, provided food vendors document their store policy and follow the required prevention measures.

What methods can food vendors use to safely accept customers' reusable cups during the COVID-19 pandemic?

The City has worked with Vancouver Coastal Health to ensure “contactless cup” procedures can be used to serve drinks in customers' reusable cups. Used by cafes and restaurants around the world, these procedures are safe for accepting reusable cups during the COVID-19 pandemic and are allowed by Vancouver Coastal Health. Visit [**vancouver.ca/cups**](https://vancouver.ca/cups) for these contactless cup methods, plus posters to inform your customers about these methods and tips to keep their reusable cups clean.

How can businesses, charities and non-profits encourage their customers to bring clean reusable cups?

Our single-use item by-law toolkit includes resources like a poster and social media posts to encourage customers to bring clean reusable cups, including cleaning tips from Vancouver Coastal Health. Visit [**vancouver.ca/cups**](https://vancouver.ca/cups) to download these resources.