S T A T E O F N E W Y O R K

2877

2011-2012 Regular Sessions

I N S E N A T E

February 2, 2011

Introduced by Sen. GRISANTI -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the number of reverse vending machines required for mandatory acceptance of empty beverage containers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph (b) of subdivision 1 of section 27-1007 of the environmental conservation law, as added by section 4 of part SS of chapter 59 of the laws of 2009, is amended to read as follows:

(b) Beginning March first, two thousand ten, a dealer whose place of business is part of a chain engaged in the same general field of business which operates ten or more units in this state under common ownership and whose business [exceeds] HAS AT LEAST: (i) forty thousand [square feet] but [is] less than sixty thousand square feet DEVOTED TO THE DISPLAY OF MERCHANDISE FOR SALE TO THE PUBLIC shall install and maintain at least [three] TWO reverse vending machines at the dealer's place of business; (ii) sixty thousand [square feet] but [is] less than eighty-five thousand square feet DEVOTED TO THE DISPLAY OF MERCHANDISE FOR SALE TO THE PUBLIC shall install and maintain at least [four] THREE reverse vending machines at the dealer's place of business; or (iii) eighty-five thousand square feet DEVOTED TO THE DISPLAY OF MERCHANDISE FOR SALE TO THE PUBLIC shall install and maintain at least [eight] FOUR reverse vending machines at the dealer's place of business[; provided, however, that the]. THE requirements of this paragraph to install and maintain reverse vending machines shall not apply to a dealer that: (I) sells only refrigerated beverage containers of twenty ounces or less where each beverage container is sold as an individual container that is not connected to or packaged with any other beverage container; (II) SELLS BEVERAGE CONTAINERS AND DEVOTES NO MORE THAN FIVE PERCENT OF ITS FLOOR SPACE TO THE DISPLAY AND SALE OF CONSUMER COMMODITIES, AS DEFINED

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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IN SECTION TWO HUNDRED FOURTEEN-H OF THE AGRICULTURE AND MARKETS LAW; OR (III) OBTAINS A WAIVER FROM THE COMMISSIONER AUTHORIZING THE USE OF ALTERNATIVE TECHNOLOGY THAT DETERMINES IF THE CONTAINER IS REDEEMABLE, ACCUMULATES INFORMATION REGARDING CONTAINERS REDEEMED, AND ISSUES LEGAL TENDER, OR A SCRIP, RECEIPT, OR OTHER FORM OF CREDIT FOR THE REFUND VALUE, THAT CAN BE EXCHANGED FOR A PERIOD OF NOT LESS THAN SIXTY DAYS WITHOUT REQUIRING THE PURCHASE OF OTHER GOODS.

S 2. This act shall take effect immediately.