

3636

2015-2016 Regular Sessions

I N A S S E M B L Y

January 27, 2015

Introduced by M. of A. DenDEKKER, JAFFEE, McDONOUGH, THIELE -- read once
and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to
prohibiting grocery stores from providing plastic carryout bags

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

1 Section 1. Subdivision 4 of section 27-2701 of the environmental
2 conservation law, as added by chapter 641 of the laws of 2008, is
3 amended and four new subdivisions 8, 9, 10 and 11 are added to read as
4 follows:

5 4. "Plastic carryout bag" means a [plastic carryout] bag MADE PREDOMI-
6 NANTLY OF ANY TYPE OF PLASTIC WHICH IS provided by a store to a customer
7 at the point of sale, BUT DOES NOT INCLUDE REUSABLE BAGS, PRODUCE BAGS,
8 OR PRODUCT BAGS AS DEFINED IN THIS SECTION.

9 8. "GROCERY STORE" MEANS A RETAIL ESTABLISHMENT WHERE PRODUCE, MEATS
10 OR OTHER FOOD ITEMS ARE REGULARLY AND CUSTOMARILY SOLD FOR CONSUMPTION
11 OFF THE PREMISES.

12 9. "PRODUCE BAG" OR "PRODUCT BAG" MEANS ANY BAG WITHOUT HANDLES USED
13 EXCLUSIVELY TO CARRY PRODUCE, MEATS, OR OTHER FOOD ITEMS TO THE POINT OF
14 SALE INSIDE A STORE OR TO PREVENT SUCH FOOD ITEMS FROM COMING INTO
15 DIRECT CONTACT WITH OTHER PURCHASED ITEMS.

16 10. "RECYCLABLE" MEANS MATERIAL THAT CAN BE SORTED, CLEANSSED, AND
17 RECONSTITUTED USING AVAILABLE RECYCLING COLLECTION PROGRAMS FOR THE
18 PURPOSE OF USING THE MATERIAL IN THE MANUFACTURE OF A NEW PRODUCT.
19 "RECYCLING" DOES NOT INCLUDE BURNING, INCINERATING, OR OTHERWISE THER-
20 MALLY DESTROYING SOLID WASTE.

21 11. "RECYCLABLE PAPER CARRYOUT BAG" MEANS A PAPER BAG THAT MEETS ALL
22 OF THE FOLLOWING REQUIREMENTS: (A) IS ONE HUNDRED PERCENT RECYCLABLE
23 OVERALL AND CONTAINS A MINIMUM OF EIGHTY PERCENT RECYCLED MATERIAL; (B)
24 DISPLAYS THE WORD "RECYCLABLE" IN A HIGHLY VISIBLE MANNER ON THE OUTSIDE
25 OF THE BAG; AND (C) HAS PRINTED ON THE BAG THE NAME OF THE MANUFACTURER,

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

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1 THE LOCATION (COUNTRY) WHERE THE BAG WAS MANUFACTURED, AND THE PERCENT-
2 AGE OF RECYCLED MATERIAL USED.

3 S 2. The environmental conservation law is amended by adding a new
4 section 27-2706 to read as follows:

5 S 27-2706. PROHIBITION OF PLASTIC BAGS.

6 1. NO GROCERY STORE LOCATED IN THE STATE MAY DISTRIBUTE PLASTIC CARRY-
7 OUT BAGS AS DEFINED IN SECTION 27-2701 OF THIS TITLE.

8 2. SUCH PROHIBITION SHALL APPLY TO BAGS PROVIDED FOR THE PURPOSE OF
9 CARRYING AWAY GOODS FROM THE POINT OF SALE AND SHALL NOT APPLY TO
10 PRODUCE BAGS OR PRODUCT BAGS AS SUCH TERMS ARE DEFINED IN SECTION
11 27-2701 OF THIS TITLE.

12 3. ALL GROCERY STORES SHALL PROVIDE RECYCLABLE PAPER CARRYOUT BAGS, AS
13 DEFINED IN SECTION 27-2701 OF THIS TITLE, AT THE POINT OF SALE AND AT NO
14 CHARGE TO THE CUSTOMER.

15 4. NOTHING IN THIS SECTION SHALL BE READ TO PRECLUDE ANY ESTABLISHMENT
16 FROM MAKING REUSABLE BAGS, AS DEFINED IN SECTION 27-2701 OF THIS TITLE,
17 AVAILABLE TO CUSTOMERS BY SALE OR OTHERWISE.

18 5. NOTHING IN THIS SECTION SHALL BE READ TO PRECLUDE ANY ESTABLISHMENT
19 FROM PROVIDING PRODUCE BAGS OR PRODUCT BAGS, AS DEFINED IN SECTION
20 27-2701 OF THIS TITLE, TO THEIR CUSTOMERS.

21 6. NOTHING IN THIS SECTION SHALL PROHIBIT CUSTOMERS FROM USING BAGS OF
22 ANY TYPE THAT THEY BRING TO THE STORE THEMSELVES OR FROM CARRYING AWAY
23 GOODS THAT ARE NOT PLACED IN A BAG, IN LIEU OF USING BAGS PROVIDED BY
24 THE STORE.

25 S 3. This act shall take effect on the first of January next succeed-
26 ing the date on which it shall have become a law; provided, however,
27 that effective immediately, the addition and/or repeal of any rule or
28 regulation necessary for the implementation of this act on its effective
29 date are authorized and directed to be made and completed on or before
30 such effective date.