

STATE OF NEW YORK

8981

IN SENATE

June 11, 2018

Introduced by Sen. JACOBS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the general business law, in relation to exempting not-for-profit organizations from the requirements for labeling of collection bins

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 3 of section 399-bbb of the general business
2 law, as amended by chapter 524 of the laws of 2015, is amended to read
3 as follows:

4 3. Any person, business, [~~not-for-profit-organization~~] or other entity
5 or entities, or an agent or agents, whether paid or not paid, of such
6 person, business, [~~not-for-profit-organization~~] or other entity, who
7 places a publicly accessible collection bin in a public place on private
8 property shall affix to the publicly accessible collection bin a label
9 that is designed to be incapable of being destroyed or removed and that
10 clearly and conspicuously displays in at least twenty-four point type
11 unless otherwise specified in this section and on the front of the
12 publicly accessible collection bin in a manner that is readily visible
13 to an individual placing property in the publicly accessible collection
14 bin the following:

15 (a) the name of the person, business, not-for-profit organization or
16 other entity which owns the publicly accessible collection bin and any
17 agent thereof; the legal address, telephone number, e-mail address and
18 website, if applicable, of such person, business, [~~not-for-profit-organ-~~
19 ~~ization~~] or other entity and any agent thereof where the owner of the
20 publicly accessible collection bin or its agent can be reached during
21 ordinary business hours; any permit or license required by local law of
22 such person, business, [~~not-for-profit-organization~~] or other entity and
23 any agent thereof; a statement that nothing shall be left outside of
24 such bin; and a statement that shall take the following form: For more
25 information, contact the department of law at (insert the current tele-
26 phone number established by the department of law for receiving
27 inquiries from consumers) or (insert the current address of the website

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

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1 of the department of law). If more than one person, business, ~~[not-for-~~
2 ~~profit-organization]~~ or other entity own the publicly accessible
3 collection bin, all of the owners' names, legal addresses, telephone
4 numbers and any permits or licenses required by local law of such owners
5 shall be included in the disclosure label. If more than one agent
6 represents an owner of the publicly accessible collection bin, ~~[includ-~~
7 ~~ing a for-profit entity,~~] on behalf of, or in conjunction with a not-
8 for-profit organization, all of the agents' names, legal addresses,
9 telephone numbers and any permits or licenses required by local law of
10 such owners shall be included in the disclosure label; and

11 (b) a statement about the purpose or purposes for the property
12 collected in the bin using letters no less than two inches in height as
13 follows:

14 ~~[(i) if all of the property placed in the publicly accessible~~
15 ~~collection bin is directed to a non-business purpose or purposes as~~
16 ~~described in paragraph (b) of section two hundred one of the not-for-~~
17 ~~profit corporation law or, if the property is sold and all proceeds of~~
18 ~~such sale are directed to a non-business purpose or purposes described~~
19 ~~in paragraph (b) of section two hundred one of the not-for-profit corpo-~~
20 ~~ration law, the label affixed to the publicly accessible collection bin~~
21 ~~pursuant to this section shall state:~~

22 ~~DONATED ITEMS WILL BE USED FOR CHARITABLE PURPOSES~~

23 ~~The value of items placed in this bin is tax-deductible.~~

24 ~~or~~

25 ~~(ii)]~~ if any of the property placed in the publicly accessible
26 collection bin is not directed to a non-business purpose or purposes as
27 described in paragraph (b) of section two hundred one of the not-for-
28 profit corporation law, or if the property is sold, and any proceeds of
29 such sale are not directed to a non-business purpose or purposes
30 described in paragraph (b) of section two hundred one of the not-for-
31 profit corporation law, the label affixed to the publicly accessible
32 collection bin pursuant to this section shall state:

33 ~~DONATED ITEMS WILL BE USED FOR PROFIT~~

34 ~~The value of items placed in this bin is NOT tax-deductible.~~

35 (c) ~~[for collection bins owned by a not-for-profit organization, a~~
36 ~~statement describing the charitable causes that will benefit from~~
37 ~~donations; and~~

38 ~~(d)]~~ collection bins operated by corporate fundraisers or any entity
39 placing and operating collection bins for the benefit of another for-
40 profit entity or not-for-profit entity shall abide by the requirements
41 of the above and any additional guidelines and labeling requirements
42 under state or local law as applicable; and

43 (d) collection bins owned by a not-for-profit organization shall be
44 exempt from the provisions of this subdivision.

45 § 2. This act shall take effect immediately.