

STATE OF NEW YORK

8651

IN SENATE

March 25, 2022

Introduced by Sen. PARKER -- 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 expansion of the New York bottle bill

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

Section 1. Subdivision 1 of section 27-1003 of the environmental conservation law, as amended by section 2 of part SS of chapter 59 of the laws of 2009, is amended to read as follows:

1. "Beverage" means [~~carbonated soft drinks, water, beer, other malt beverages and a wine product as defined in subdivision thirty-six-a of section three of the alcoholic beverage control law~~] all carbonated and non-carbonated drinks in liquid form and intended for internal human consumption, including but not limited to water, soft drinks, milk and dairy derived products, sports drinks, teas, juices, and alcoholic beverages. "Malt beverages" means any beverage obtained by the alcoholic fermentation or infusion or decoction of barley, malt, hops, or other wholesome grain or cereal and water including, but not limited to ale, stout, lager or malt liquor. "Water" means any beverage identified through the use of letters, words or symbols on its product label as a type of water, including any flavored water or nutritionally enhanced water, [~~provided, however, that "water" does not include any beverage identified as a type of water to which a sugar has been added~~] or any beverage identified as a type of water to which a sugar has been added. "Milk" means whole milk, skim milk, low-fat milk, cream, cultured milk, or any combination of those products. The term "dairy derived products" includes any product of which the single largest ingredient is milk, milk fat, or cultured milk. "Sports drinks" means drinks that are mostly water, electrolytes (such as sodium or potassium) and carbohydrates (such as sucrose or fructose). "Teas" means drinks brewed from tea leaves which may or may not include sweeteners and other flavors. "Juices" means drinks which the main ingredient is the juice from fruits and/or vegetables. "Alcoholic beverages" means beer and other malt beverages, liquors, spirits, wines, wine products, and ciders, as

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

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1 defined in subdivisions three, nineteen, twenty-nine, thirty-six, thir-
2 ty-six-a, and paragraph (a) of subdivision seven-b of section three of
3 the alcoholic beverage control law, respectively. The term "beverage"
4 shall not include:

5 a. infant formula;

6 b. a liquid that is a syrup, in a concentrated form, or typically
7 added as a minor flavoring ingredient in food or drink, such as
8 extracts, cooking additives, sauces or condiments;

9 c. a liquid that is ingested in very small quantities and that is
10 consumed for medicinal purposes only;

11 d. products frozen at the time of sale;

12 e. products designed to be consumed in a frozen state;

13 f. instant drink powders;

14 g. seafood, meat or vegetable broths or soups; and

15 h. yogurt products.

16 § 2. Section 27-1005 of the environmental conservation law, as added
17 by section 4 of part SS of chapter 59 of the laws of 2009, is amended to
18 read as follows:

19 § 27-1005. Refund value.

20 No person shall sell or offer for sale a beverage container in this
21 state unless the deposit on such beverage container is or has been
22 collected by a registered deposit initiator and unless such container
23 has a refund value of not less than [~~five~~] ten cents which is clearly
24 indicated thereon as provided in section 27-1011 of this title.

25 § 3. Paragraph a of subdivision 4 of section 27-1012 of the environ-
26 mental conservation law, as added by section 8 of part SS of chapter 59
27 of the laws of 2009, is amended to read as follows:

28 a. Quarterly payments. An amount equal to [~~eighty~~] ninety percent of
29 the balance outstanding in [~~the~~] a deposit initiator's refund value
30 account at the close of each quarter shall be paid to the commissioner
31 of taxation and finance at the time the report provided for in subdivi-
32 sion three of this section is required to be filed. The commissioner of
33 taxation and finance may require that the payments be made electron-
34 ically. The remaining [~~twenty~~] ten percent of the balance outstanding at
35 the close of each quarter shall be the monies of the deposit initiator
36 and may be withdrawn from such account by the deposit initiator. If the
37 provisions of this section with respect to such account have not been
38 fully complied with, each deposit initiator shall pay to such commis-
39 sioner at such time, in lieu of the amount described in the preceding
40 sentence, an amount equal to the balance which would have been outstand-
41 ing on such date had such provisions been fully complied with. The
42 commissioner of taxation and finance may require that the payments be
43 made electronically.

44 § 4. Subdivision 5 of section 27-1012 of the environmental conserva-
45 tion law, as amended by section 2 of part JJ of chapter 58 of the laws
46 of 2017, is amended to read as follows:

47 5. All moneys collected or received by the department of taxation and
48 finance pursuant to this title shall be deposited to the credit of the
49 comptroller with such responsible banks, banking houses or trust compa-
50 nies as may be designated by the comptroller. Such deposits shall be
51 kept separate and apart from all other moneys in the possession of the
52 comptroller. The comptroller shall require adequate security from all
53 such depositories. Of the total revenue collected, the comptroller shall
54 retain the amount determined by the commissioner of taxation and finance
55 to be necessary for refunds out of which the comptroller must pay any
56 refunds to which a deposit initiator may be entitled. After reserving

1 the amount to pay refunds, the comptroller must, by the tenth day of
2 each month, pay into the state treasury to the credit of the general
3 fund the revenue deposited under this subdivision during the preceding
4 calendar month and remaining to the comptroller's credit on the last day
5 of that preceding month[; ~~provided, however, that, beginning April~~
6 ~~first, two thousand thirteen, nineteen million dollars, and all fiscal~~
7 ~~years thereafter, twenty-three million dollars plus all funds received~~
8 ~~from the payments due each fiscal year pursuant to subdivision four of~~
9 ~~this section in excess of the greater of the amount received from April~~
10 ~~first, two thousand twelve through March thirty-first, two thousand~~
11 ~~thirteen or one hundred twenty-two million two hundred thousand~~
12 ~~dollars~~]; provided, however, that at the beginning of the quarterly
13 period next succeeding the effective date of a chapter of the laws of
14 two thousand twenty-two that amended this subdivision:

15 (a) fifty percent of revenue deposited under this subdivision, shall
16 be deposited to the credit of the environmental protection fund, estab-
17 lished pursuant to section ninety-two-s of the state finance law; and

18 (b) five and one-half percent of revenue deposited under this subdivi-
19 sion shall be distributed to registered redemption centers on a quarter-
20 ly basis, in a manner prescribed by the comptroller.

21 § 5. This act shall take effect on the first of January next succeed-
22 ing the date on which it shall have become a law. Effective immediately,
23 the addition, amendment and/or repeal of any rule or regulation neces-
24 sary for the implementation of this act on its effective date are
25 authorized to be made and completed on or before such effective date.