STATE OF NEW YORK

9354

2025-2026 Regular Sessions

IN ASSEMBLY

December 19, 2025

Introduced by M. of A. COLTON -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to requiring certain manufacturers to sell and distribute plastic beverage containers with tethered plastic beverage caps

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

Section 1. Article 27 of the environmental conservation law is amended by adding a new title 10-A to read as follows:

TITLE 10-A

TETHERED PLASTIC BEVERAGE CAP COMPLIANCE

Section 27-1051. Definitions.
27-1053. Plastic beverage caps.
27-1055. Manufacturer compliance.
27-1057. Enforcement and penalties.

§ 27-1051. Definitions.

As used in this title:

1. "Plastic beverage container" means any individual bottle, can, jar, carton, or other container that is comprised wholly or in large part of plastic and is intended to be disposed of or recycled after one use. The term "plastic beverage container" shall not include a bottle, jar, carton, or container that is composed wholly or primarily of non-plastic materials but that contains a plastic beverage cap; a cup or other similar open or loosely sealed container; or a container that is intended by the manufacturer to be reused for the same purpose multiple times.

2. "Plastic" means a synthetic or semi-synthetic material made from linking monomers derived from fossil fuel or biological sources through a chemical reaction to create a polymer chain that can be molded, extruded, or otherwise shaped into pellets, objects, films, or filaments, whether alone or in combination with chemical additives including

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

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but not limited to plasticizers, stabilizers, colorants, or flame retardants.

3. "Beverage" means any of the following products that are in liquid, ready-to-drink form and are intended for human consumption: beer, cider, spirits, wine, and wine products, as such terms are defined by section three of the alcoholic beverage control law; malt beverages; carbonated and noncarbonated water; soda; carbonated and noncarbonated soft drinks and fruit drinks; coffee and tea drinks; milk and dairy products; and fruit and vegetable juice.

4. "Manufacturer" means a person, partnership, association, corporation, or other entity that, through its own action or through contract or control of another entity, is primarily responsible for the production of a beverage held in a plastic beverage container and sold, offered for sale, or distributed for sale in the state, as determined by the department pursuant to subdivision two of section 27-1055 of this title.

5. "Plastic beverage cap" means a cap that is composed wholly or primarily of plastic and that is screwed onto or otherwise affixed to a plastic beverage container.

§ 27-1053. Plastic beverage caps.

A manufacturer shall not sell, offer for sale, or distribute for sale in the state a plastic beverage container with a plastic beverage cap unless:

1. The plastic beverage cap is tethered to the plastic beverage container in a manner that prevents the separation of the plastic beverage cap from the plastic beverage container when the beverage is consumed; or

2. The plastic beverage cap includes an opening from which the beverage can be consumed while the plastic beverage cap remains screwed onto or otherwise affixed to the plastic beverage container.

§ 27-1055. Manufacturer compliance.

1. A manufacturer that produces or utilizes plastic beverage containers shall provide to the department upon request all information necessary for the department to determine such manufacturer's compliance with the requirements of this title.

2. In determining whether an entity meets the definition of a manufacturer under subdivision four of section 27-1051 of this title, the department shall consider, without limitation, the following factors:

(a) the ownership of the brand name of the beverage contained in the plastic beverage container;

(b) the primary control or influence over the design of the beverage contained in the plastic beverage container; and

(c) the primary control or influence over the design of the plastic beverage container in which the beverage is contained.

3. An entity with a legally recognized corporate relationship to a manufacturer that is subject to the requirements of this title may, on behalf of such manufacturer and following notification to the department, assume such manufacturer's responsibilities under this title.

4. (a) The requirements of this title shall apply to a manufacturer with gross annual revenues of ten million dollars or more three years after the effective date of this title.

(b) The requirements of this title shall apply to a manufacturer with gross annual revenues of less than ten million dollars six years after the effective date of this title.

§ 27-1057. Enforcement and penalties.

1. Any manufacturer that violates any provision of this title shall be liable for a civil penalty of one thousand dollars per violation per day.

2. The department, the attorney general, or the district attorney of the county where the violation occurs may enforce this title by bringing an action for civil penalties for violation of this title, for equitable relief to prevent violation of this title, or for a combination of civil penalties and equitable relief under this title.

3. The department may promulgate any rules and regulations necessary to effectuate the provisions of this title.

§ 2. This act shall take effect immediately.