STATE OF NEW YORK

2351

2025-2026 Regular Sessions

IN SENATE

January 16, 2025

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, sports drinks, teas and juices**. "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. "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. The term "beverage" shall not include:**

a. infant formula;

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

LBD06164-01-5

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

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

d. products frozen at the time of sale;

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

f. instant drink powders;

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

h. yogurt products.

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

5. All moneys collected or received by the department of taxation and finance pursuant to this title shall be deposited to the credit of the comptroller with such responsible banks, banking houses or trust companies as may be designated by the comptroller. Such deposits shall be kept separate and apart from all other moneys in the possession of the comptroller. The comptroller shall require adequate security from all such depositories. Of the total revenue collected, the comptroller shall retain the amount determined by the commissioner of taxation and finance to be necessary for refunds out of which the comptroller must pay any refunds to which a deposit initiator may be entitled. After reserving the amount to pay refunds, the comptroller must, by the tenth day of each month, pay into the state treasury to the credit of the general fund the revenue deposited under this subdivision during the preceding calendar month and remaining to the comptroller's credit on the last day of [~~that~~] the preceding month[~~; provided, however, that, beginning April first, two thousand thirteen, nineteen million dollars, and all fiscal years thereafter, twenty-three million dollars plus all funds received from the payments due each fiscal year pursuant to subdivision four of this section in excess of the greater of the amount received from April first, two thousand twelve through March thirty-first, two thousand thirteen or one hundred twenty-two million two hundred thousand dollars~~]; provided, however, that at the beginning of the quarterly period next succeeding the effective date of a chapter of the laws of two thousand twenty-five that amended this subdivision:

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

(b) five and one-half percent of revenue deposited under this subdivision shall be distributed to registered redemption centers on a quarterly basis, in a manner prescribed by the comptroller.

§ 3. The section heading and subdivision 1 of section 27-1013 of the environmental conservation law, as amended by section 7 of part F of chapter 58 of the laws of 2013, are amended and a new subdivision 1-a is added to read as follows:

Redemption centers and dealers.

1. The commissioner is hereby empowered to promulgate rules and regulations governing (a) the circumstances in which deposit initiators, dealers and distributors, individually or collectively, are required to accept the return of empty beverage containers, including beverage containers processed through reverse vending machines and make payment therefor; (b) the sorting of the containers which a deposit initiator or distributor may require of dealers and redemption centers; (c) the collection of returned beverage containers by deposit initiators or

distributors, including the party to whom such expense is to be charged, the frequency of such pick ups and the payment for refunds and handling fees thereon; (d) the right of dealers to restrict or limit the number of containers redeemed, the rules for redemption at the dealers' place of business, and the redemption of containers from a beverage for which sales have been discontinued[~~; (e) to~~]. The commissioner shall issue registrations to persons, firms or corporations which establish redemption centers, subject to applicable provisions of local and state laws, at which redeemers and dealers may return empty beverage containers and receive payment of the refund value of such beverage containers. Such registrations shall be issued at no cost. [~~Should the~~] The department shall require by regulations adopted pursuant to this paragraph that redemption centers must obtain a registration as a condition of operation, any redemption center in business as of March first, two thousand [~~thirteen~~] twenty-five that previously provided the department with the notification information required by regulations in effect as of such date may continue to operate as if the department had issued such redemption center a registration required by regulations adopted under this paragraph; provided, however, that such redemption center shall provide the department with any other information required by regulations adopted pursuant to this paragraph. The department may, after due notice and opportunity of hearing, pursuant to the provisions of section 71-1709 of this chapter, deny an application or revoke a registration. In determining whether or not to revoke a registration the commissioner shall at a minimum, take into consideration the compliance history of a violator, good faith efforts of a violator to comply, any economic benefit from noncompliance and whether the violation was procedural in nature. The commissioner's determination to revoke a registration is subject to review under article seventy-eight of the civil practice law and rules; and [~~(f)~~] (e) the operation of mobile redemption centers in order to ensure that to the best extent practicable containers are not proffered for redemption to a deposit initiator or distributor outside of the geographic area where such deposit initiator sells containers and initiates deposits.

1-a. Any person required to be registered under this section who, without being so registered, redeems or offers to redeem beverage containers in this state, in addition to any other penalty imposed by this title, shall be subject to a penalty to be assessed by the commissioner of taxation and finance in an amount not to exceed five hundred dollars for the first day on which such sales or offers for sale are made, plus an amount not to exceed five hundred dollars for each subsequent day on which such sales or offers for sale are made, not to exceed twenty-five thousand dollars in the aggregate.

§ 4. Section 27-1015 of the environmental conservation law is amended by adding three new subdivisions 3-a, 4-a and 4-b to read as follows:

3-a. It shall be unlawful for a redemption center or dealer as defined in this title, acting alone or aided by another, to return any empty beverage container to a dealer or redemption center for its refund value if the redemption center or dealer had previously accepted such beverage container from any dealer or operator of a redemption center or if such container was previously accepted by a reverse vending machine. A violation of this subdivision shall be a misdemeanor punishable by a fine of not less than five hundred dollars nor more than one thousand dollars and an amount equal to two times the amount of money received as a result of such violation plus a revocation of the redemption center's registration.

4-a. Any redemption center who knowingly tenders to a deposit initiator more than forty-eight empty beverage containers for which such redemption center knows or should reasonably know that no deposit was paid in New York state may be assessed by the department a civil penalty of up to one hundred dollars for each container or result in a civil penalty of up to seventy-five thousand dollars and revocation of such redemption centers registration.

4-b. A deposit initiator who upon audit discovers that a redemption center reported more beverage containers than were actually physically tendered shall provide written notice to the redemption center of such shortfall and shall provide a refund based on the actual tendered amount. A deposit initiator who upon audit discovers a discrepancy between the redemption center's reported number of beverage containers and the actual physical count of ten percent or greater shall provide a refund based on the actual tendered amount of beverage containers and withhold fifty percent of the redemption center's handling fee which would have been payable for such tender. A deposit initiator upon any subsequent audit which produces a discrepancy of ten percent or more may withhold up to one hundred percent of the redemption center's handling fee. Any funds withheld by a deposit initiator pursuant to this subdivision shall be kept by the deposit initiator to defray the costs of the auditing process.

§ 5. This act shall take effect on the first of January next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.