

# 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:

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

4 1. "Beverage" means [~~carbonated soft drinks, water, beer, other malt~~  
5 ~~beverages and a wine product as defined in subdivision thirty six a of~~  
6 ~~section three of the alcoholic beverage control law]~~ all carbonated and  
7 non-carbonated drinks in liquid form and intended for internal human  
8 consumption, including but not limited to water, soft drinks, sports  
9 drinks, teas and juices. "Malt beverages" means any beverage obtained by  
10 the alcoholic fermentation or infusion or decoction of barley, malt,  
11 hops, or other wholesome grain or cereal and water including, but not  
12 limited to ale, stout, lager or malt liquor. "Water" means any beverage  
13 identified through the use of letters, words or symbols on its product  
14 label as a type of water, including any flavored water or nutritionally  
15 enhanced water, [~~provided, however, that "water" does not include any~~  
16 ~~beverage identified as a type of water to which a sugar has been added]~~  
17 or any beverage identified as a type of water to which a sugar has been  
18 added. "Sports drinks" means drinks that are mostly water, electrolytes  
19 (such as sodium or potassium) and carbohydrates (such as sucrose or  
20 fructose). "Teas" means drinks brewed from tea leaves which may or may  
21 not include sweeteners and other flavors. "Juices" means drinks which  
22 the main ingredient is the juice from fruits and/or vegetables. The term  
23 "beverage" shall not include:

24 a. infant formula;

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

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

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

6 d. products frozen at the time of sale;

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

8 f. instant drink powders;

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

10 h. yogurt products.

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

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

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

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

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

48 Redemption centers and dealers.

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

1 distributors, including the party to whom such expense is to be charged,  
2 the frequency of such pick ups and the payment for refunds and handling  
3 fees thereon; (d) the right of dealers to restrict or limit the number  
4 of containers redeemed, the rules for redemption at the dealers' place  
5 of business, and the redemption of containers from a beverage for which  
6 sales have been discontinued[~~, (e) to~~]. The commissioner shall issue  
7 registrations to persons, firms or corporations which establish redemp-  
8 tion centers, subject to applicable provisions of local and state laws,  
9 at which redeemers and dealers may return empty beverage containers and  
10 receive payment of the refund value of such beverage containers. Such  
11 registrations shall be issued at no cost. [~~Should the~~] The department  
12 shall require by regulations adopted pursuant to this paragraph that  
13 redemption centers must obtain a registration as a condition of opera-  
14 tion, any redemption center in business as of March first, two thousand  
15 [~~thirteen~~] twenty-five that previously provided the department with the  
16 notification information required by regulations in effect as of such  
17 date may continue to operate as if the department had issued such  
18 redemption center a registration required by regulations adopted under  
19 this paragraph; provided, however, that such redemption center shall  
20 provide the department with any other information required by regu-  
21 lations adopted pursuant to this paragraph. The department may, after  
22 due notice and opportunity of hearing, pursuant to the provisions of  
23 section 71-1709 of this chapter, deny an application or revoke a regis-  
24 tration. In determining whether or not to revoke a registration the  
25 commissioner shall at a minimum, take into consideration the compliance  
26 history of a violator, good faith efforts of a violator to comply, any  
27 economic benefit from noncompliance and whether the violation was proce-  
28 dural in nature. The commissioner's determination to revoke a registra-  
29 tion is subject to review under article seventy-eight of the civil prac-  
30 tice law and rules; and [~~(f)~~] (e) the operation of mobile redemption  
31 centers in order to ensure that to the best extent practicable contain-  
32 ers are not proffered for redemption to a deposit initiator or distribu-  
33 tor outside of the geographic area where such deposit initiator sells  
34 containers and initiates deposits.

35 1-a. Any person required to be registered under this section who,  
36 without being so registered, redeems or offers to redeem beverage  
37 containers in this state, in addition to any other penalty imposed by  
38 this title, shall be subject to a penalty to be assessed by the commis-  
39 sioner of taxation and finance in an amount not to exceed five hundred  
40 dollars for the first day on which such sales or offers for sale are  
41 made, plus an amount not to exceed five hundred dollars for each subse-  
42 quent day on which such sales or offers for sale are made, not to exceed  
43 twenty-five thousand dollars in the aggregate.

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

46 3-a. It shall be unlawful for a redemption center or dealer as defined  
47 in this title, acting alone or aided by another, to return any empty  
48 beverage container to a dealer or redemption center for its refund value  
49 if the redemption center or dealer had previously accepted such beverage  
50 container from any dealer or operator of a redemption center or if such  
51 container was previously accepted by a reverse vending machine. A  
52 violation of this subdivision shall be a misdemeanor punishable by a  
53 fine of not less than five hundred dollars nor more than one thousand  
54 dollars and an amount equal to two times the amount of money received as  
55 a result of such violation plus a revocation of the redemption center's  
56 registration.

1 4-a. Any redemption center who knowingly tenders to a deposit initi-  
2 ator more than forty-eight empty beverage containers for which such  
3 redemption center knows or should reasonably know that no deposit was  
4 paid in New York state may be assessed by the department a civil penalty  
5 of up to one hundred dollars for each container or result in a civil  
6 penalty of up to seventy-five thousand dollars and revocation of such  
7 redemption centers registration.

8 4-b. A deposit initiator who upon audit discovers that a redemption  
9 center reported more beverage containers than were actually physically  
10 tendered shall provide written notice to the redemption center of such  
11 shortfall and shall provide a refund based on the actual tendered  
12 amount. A deposit initiator who upon audit discovers a discrepancy  
13 between the redemption center's reported number of beverage containers  
14 and the actual physical count of ten percent or greater shall provide a  
15 refund based on the actual tendered amount of beverage containers and  
16 withhold fifty percent of the redemption center's handling fee which  
17 would have been payable for such tender. A deposit initiator upon any  
18 subsequent audit which produces a discrepancy of ten percent or more may  
19 withhold up to one hundred percent of the redemption center's handling  
20 fee. Any funds withheld by a deposit initiator pursuant to this subdivi-  
21 sion shall be kept by the deposit initiator to defray the costs of the  
22 auditing process.

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