STATE OF NEW YORK

773

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

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

AN ACT to amend the environmental conservation law, in relation to permitting the sale or distribution of expanded polystyrene containers that are designed or intended to be used for cold storage for certain purposes

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

Section 1. Paragraph (c) of subdivision 1 of section 27-3005 of the environmental conservation law, as added by a chapter of the laws of 2024 amending the environmental conservation law relating to prohibiting the sale or distribution of expanded polystyrene containers that are designed or intended to be used for cold storage, as proposed in legislative bills numbers S. 4414-A and A. 4943-A, is amended to read as follows:

(c) Expanded polystyrene containers that are not wholly encapsulated or encased within a more durable container and are [~~designed or intended to be~~] used for cold storage **for**:

(i) [~~for~~] drugs[~~,~~] **and** medical devices[~~, and biological materials~~] as defined in the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.); [~~or~~]

(ii) animal biologics, including vaccines, bacterins, antisera, diagnostic kits, and other products of biological origin, and other packaging materials regulated by the United States department of agriculture under the virus, serum, toxin act (21 U.S.C. 151-159), including vaccines[~~.~~]**;**

(iii) tissues as defined in section forty-three hundred sixty of the public health law or biological products as defined in the federal Public Health Service Act (42 U.S.C. Sec 262);

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

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(iv) temperature-sensitive samples, cultures or specialized laboratory reagents requiring cold storage during shipment, either delivered to or received from:

(A) the department of agriculture and market's food laboratory pursuant to its duties under the agriculture and markets law; or

(B) laboratories for testing to help ensure human health, animal health, and/or food safety pursuant to statutory or regulatory requirements of, or standards established under, programs administered by the department, the department of health, the department of agriculture and markets, the United States department of agriculture and/or the United States food and drug administration; or

(v) microbial cultures used for dairy, meat, or fermented beverage manufacturing and requiring cold storage during shipment or delivery to dairy or meat processing plants or breweries and wineries as defined in section three of the alcoholic beverage control law.

§ 2. Subparagraphs (iii), (iv) and (v) of paragraph (c) of subdivision 1 of section 27-3005 of the environmental conservation law, as added by section one of this act, are amended to read as follows:

(iii) tissues as defined in section forty-three hundred sixty of the public health law or biological products as defined in the federal Public Health Service Act (42 U.S.C. Sec 262); or

(iv) temperature-sensitive samples, cultures or specialized laboratory reagents requiring cold storage during shipment, either delivered to or received from:

(A) the department of agriculture and market's food laboratory pursuant to its duties under the agriculture and markets law; or

(B) laboratories for testing to help ensure human health, animal health, and/or food safety pursuant to statutory or regulatory requirements of, or standards established under, programs administered by the department, the department of health, the department of agriculture and markets, the United States department of agriculture and/or the United States food and drug administration[~~; or~~

~~(v) microbial cultures used for dairy, meat, or fermented beverage manufacturing and requiring cold storage during shipment or delivery to dairy or meat processing plants or breweries and wineries as defined in section three of the alcoholic beverage control law~~].

§ 3. Subparagraphs (ii), (iii) and (iv) of paragraph (c) of subdivision 1 of section 27-3005 of the environmental conservation law, subparagraph (ii) as amended by section one of this act and subparagraphs (iii) and (iv) as amended by section two of this act, are amended to read as follows:

(ii) animal biologics, including vaccines, bacterins, antisera, diagnostic kits, and other products of biological origin, and other packaging materials regulated by the United States department of agriculture under the virus, serum, toxin act (21 U.S.C. 151-159), including vaccines; or

(iii) tissues as defined in section forty-three hundred sixty of the public health law or biological products as defined in the federal Public Health Service Act (42 U.S.C. Sec 262)[~~; or~~

~~(iv) temperature-sensitive samples, cultures or specialized laboratory reagents requiring cold storage during shipment, either delivered to or received from:~~

~~(A) the department of agriculture and market's food laboratory pursuant to its duties under the agriculture and markets law; or~~

~~(B) laboratories for testing to help ensure human health, animal health, and/or food safety pursuant to statutory or regulatory require-~~

~~ments of, or standards established under, programs administered by the department, the department of health, the department of agriculture and markets, the United States department of agriculture and/or the United States food and drug administration~~].

§ 4. This act shall take effect immediately; provided, however, that section one of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2024 amending the environmental conservation law relating to prohibiting the sale or distribution of expanded polystyrene containers that are designed or intended to be used for cold storage, as proposed in legislative bills numbers S. 4414-A and A. 4943-A, takes effect; provided further, however, that section two of this act shall take effect January 1, 2030; and provided further, however, that section three of this act shall take effect January 1, 2035.