S T A T E O F N E W Y O R K

6070

2009-2010 Regular Sessions

I N A S S E M B L Y

February 24, 2009

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 prohibiting the use of plastic checkout bags by certain stores

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 29 to read as follows:

TITLE 29
PLASTIC CHECKOUT BAGS

SECTION 27-2901. LEGISLATIVE FINDINGS.
27-2903. DEFINITIONS.
27-2905. LIMITATIONS ON THE USE OF CHECKOUT BAGS.
27-2907. REGULATIONS.

S 27-2901. LEGISLATIVE FINDINGS.

THE LEGISLATURE HEREBY FINDS THAT THE EXTENSIVE USE OF PLASTIC SHOPPING BAGS CREATES AN IMPEDIMENT TO THE DIVERSION OF SOLID WASTE FROM SOLID WASTE MANAGEMENT FACILITIES. PLASTIC BAGS ARE DIFFICULT TO RECYCLE, MAY CONTAMINATE MATERIALS PROCESSED THROUGH RECYCLING AND COMPOSTING PROGRAMS, AND CREATE SIGNIFICANT LITTER PROBLEMS. PLASTIC SHOPPING BAGS HAVE CONSIDERABLE ENVIRONMENTAL IMPACTS, INCLUDING THE USE OF MILLIONS OF BARRELS OF OIL IN THE UNITED STATES FOR THEIR MANUFACTURE.

IT IS THE PURPOSE OF THIS TITLE TO REDUCE THE IMPACT OF PLASTIC SHOPPING BAGS BY SPECIFYING THE MATERIALS THAT MAY BE USED IN THEIR CONSTRUCTION.

S 27-2903. DEFINITIONS.

AS USED IN THIS TITLE:

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

LBD01368-01-9

1. "ASTM STANDARD" MEANS THE AMERICAN SOCIETY FOR TESTING AND MATERIALS INTERNATIONAL STANDARD D6400 FOR COMPOSTABLE PLASTIC, AS SUCH STANDARD MAY BE AMENDED FROM TIME TO TIME.

2. "COMPOSTABLE PLASTIC BAG" MEANS A PLASTIC BAG THAT CONFORMS TO THE ASTM STANDARD FOR COMPOSTABLE PLASTIC, AS CONFIRMED BY THE DEPARTMENT, AND WHICH DISPLAYS IN A HIGHLY VISIBLE MANNER ON THE OUTSIDE THEREOF THE PHRASE "COMPOSTABLE AND REUSABLE".

3. "CHECKOUT BAG" MEANS A CARRYOUT BAG THAT IS PROVIDED BY A STORE TO A CUSTOMER AT THE POINT OF SALE.

4. "HIGHLY VISIBLE" MEANS LETTERING IN A CONTRASTING COLOR TO THE BAG'S BACKGROUND COLOR THAT IS AT LEAST TWO INCHES HIGH ON THE FRONT AND/OR THE BACK OF SUCH BAG.

5. "PERSON" MEANS AN INDIVIDUAL, TRUST, FIRM, JOINT STOCK COMPANY, LIMITED LIABILITY COMPANY, CORPORATION, COOPERATIVE, PARTNERSHIP OR ASSOCIATION.

6. "STORE" MEANS A RETAIL ESTABLISHMENT THAT IS A FULL-LINE, SELF-SERVICE RETAIL SUPERMARKET WITH ANNUAL GROSS SALES OF TWO MILLION DOLLARS OR MORE AND WHICH SELLS A LINE OF DRY GROCERIES, CANNED GOODS OR NONFOOD ITEMS, AND SOME PERISHABLE ITEMS.

S 27-2905. LIMITATIONS ON THE USE OF CHECKOUT BAGS.

1. ALL STORES SHALL PROVIDE ONLY PAPER BAGS, COMPOSTABLE PLASTIC BAGS AND/OR REUSABLE BAGS AS CHECKOUT BAGS TO CUSTOMERS.

2. NOTHING IN THIS SECTION SHALL PRECLUDE STORES FROM MAKING REUSABLE BAGS AVAILABLE FOR SALE TO CUSTOMERS.

S 27-2907. REGULATIONS.

THE DEPARTMENT IS AUTHORIZED TO PROMULGATE ANY RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS TITLE.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Provided that, effective immediately, the department of environmental conservation is authorized to promulgate any rules and regulations necessary to implement the provisions of this act on its effective date on or before such date.