

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

5505--A

2009-2010 Regular Sessions

I N S E N A T E

May 13, 2009

Introduced by Sens. THOMPSON, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 59 of the laws of 2009, amending the environmental conservation law and the economic development law relating to including additional beverage containers, in relation to the effectiveness thereof; and to amend the environmental conservation law, in relation to the universal product code and the definition of beverage

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 1 of section 16 of part SS of chapter 59 of the
2 laws of 2009, amending the environmental conservation law and the
3 economic development law relating to including additional beverage
4 containers, is amended to read as follows:
5 1. [sections] SECTION two [and] OF THIS ACT SHALL TAKE EFFECT OCTOBER
6 1, 2009;
7 1-A. SECTION three of this act shall take effect April 1, 2009;
8 S 2. Subdivision 12 of section 27-1012 of the environmental conserva-
9 tion law, as added by section 8 of part SS of chapter 59 of the laws of
10 2009, is amended to read as follows:
11 12. Beginning on [June] JANUARY first, two thousand [nine] TEN each
12 deposit initiator shall register the container label of any beverage
13 offered for sale in the state on which it initiates a deposit. Any such
14 registered container label shall bear a universal product code. [Such
15 universal product code shall be New York state specific, in order to
16 identify the beverage container as offered for sale exclusively in New
17 York state, and as a means of preventing illegal redemption of beverage
18 containers purchased out-of-state.] Registration must be on forms as
19 prescribed by the department and must include the universal product code
20 for each combination of beverage and container manufactured. The commis-

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

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1 sioner may require that such forms be filed electronically. The deposit
2 initiator shall renew a label registration whenever that label is
3 revised by altering the universal product code or whenever the container
4 on which it appears is changed in size, composition or glass color.

5 S 3. Subdivision 1 of section 27-1003 of the environmental conserva-
6 tion law, as amended by section 2 of part SS of chapter 59 of the laws
7 of 2009, is amended to read as follows:

8 1. "Beverage" means carbonated soft drinks, water, beer, other malt
9 beverages and a wine product as defined in subdivision thirty-six-a of
10 section three of the alcoholic beverage control law. "Malt beverages"
11 means any beverage obtained by the alcoholic fermentation or infusion or
12 decoction of barley, malt, hops, or other wholesome grain or cereal and
13 water including, but not limited to ale, stout or malt liquor. "Water"
14 means any beverage identified through the use of letters, words or
15 symbols on its product label as a type of water, including any flavored
16 water or nutritionally enhanced water[, provided, however, that "water"
17 does not include any beverage identified as a type of water to which a
18 sugar has been added].

19 S 4. This act shall take effect immediately; provided, however that
20 the amendments to chapter 59 of the laws of 2009 made by section one of
21 this act shall be deemed to have been in full force and effect on and
22 after April 1, 2009.