

S T A T E   O F   N E W   Y O R K

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5270--A

2011-2012 Regular Sessions

I N   A S S E M B L Y

February 15, 2011

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Introduced by M. of A. CANESTRARI, N. RIVERA -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to the number of reverse vending machines required for mandatory acceptance of empty beverage containers

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

1     Section 1. Paragraph (b) of subdivision 1 of section 27-1007 of the  
2 environmental conservation law, as added by section 4 of part SS of  
3 chapter 59 of the laws of 2009, is amended to read as follows:  
4     (b) Beginning March first, two thousand ten, a dealer whose place of  
5 business is part of a chain engaged in the same general field of busi-  
6 ness which operates ten or more units in this state under common owner-  
7 ship and whose business [exceeds] HAS AT LEAST: (i) forty thousand  
8 [square feet] but [is] less than sixty thousand square feet DEVOTED TO  
9 THE DISPLAY OF MERCHANDISE FOR SALE TO THE PUBLIC shall install and  
10 maintain at least [three] TWO reverse vending machines at the dealer's  
11 place of business; (ii) sixty thousand [square feet] but [is] less than  
12 eighty-five thousand square feet DEVOTED TO THE DISPLAY OF MERCHANDISE  
13 FOR SALE TO THE PUBLIC shall install and maintain at least [four] THREE  
14 reverse vending machines at the dealer's place of business; or (iii)  
15 eighty-five thousand square feet DEVOTED TO THE DISPLAY OF MERCHANDISE  
16 FOR SALE TO THE PUBLIC shall install and maintain at least [eight] FOUR  
17 reverse vending machines at the dealer's place of business[; provided,  
18 however, that the]. THE requirements of [this] paragraph (B) OF THIS  
19 SUBDIVISION to install and maintain reverse vending machines shall not  
20 apply to a dealer that: (I) sells only [refrigerated] beverage contain-  
21 ers of twenty ounces or less where [each] SUCH beverage [container is  
22 sold as an individual container that is not connected to or] CONTAINERS

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

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1 ARE packaged [with any other beverage container] IN QUANTITIES FEWER  
2 THAN SIX; (II) SELLS BEVERAGE CONTAINERS AND DEVOTES NO MORE THAN FIVE  
3 PERCENT OF ITS FLOOR SPACE TO THE DISPLAY AND SALE OF CONSUMER COMMOD-  
4 ITIES, AS DEFINED IN SECTION TWO HUNDRED FOURTEEN-H OF THE AGRICULTURE  
5 AND MARKETS LAW; OR (III) OBTAINS A WAIVER FROM THE COMMISSIONER AUTHOR-  
6 IZING DEALERS TO PROVIDE CONSUMERS WITH AN ALTERNATIVE TECHNOLOGY  
7 THAT: (A) DETERMINES IF THE CONTAINER IS REDEEMABLE, (B) PROVIDES  
8 PROTECTIONS AGAINST FRAUD THROUGH A SYSTEM THAT VALIDATES EACH CONTAINER  
9 REDEEMED BY READING THE UNIVERSAL PRODUCT CODE AND, EXCEPT WITH RESPECT  
10 TO REFILLABLE CONTAINERS, RENDERS THE CONTAINER UNREDEEMABLE, (C) ACCU-  
11 MULATES INFORMATION REGARDING CONTAINERS REDEEMED, AND (D) ISSUES LEGAL  
12 TENDER, OR A SCRIP, RECEIPT, OR OTHER FORM OF CREDIT FOR THE REFUND  
13 VALUE, THAT CAN BE EXCHANGED FOR LEGAL TENDER FOR A PERIOD OF NOT LESS  
14 THAN SIXTY DAYS WITHOUT REQUIRING THE PURCHASE OF OTHER GOODS. NOTWITH-  
15 STANDING THE FOREGOING, IF THE ALTERNATIVE TECHNOLOGY DOES NOT ALLOW  
16 CONSUMERS TO IMMEDIATELY OBTAIN THE REFUND VALUE OF THE REDEEMED  
17 CONTAINER, A DEALER SHALL BE PERMITTED TO DEPLOY SUCH ALTERNATIVE TECH-  
18 NOLOGY ONLY IF IT ALSO OFFERS AN ALTERNATIVE THAT ALLOWS CONSUMERS TO  
19 CONVENIENTLY AND IMMEDIATELY OBTAIN SUCH REFUND VALUE THROUGH A REVERSE  
20 VENDING MACHINE OR OTHER ALTERNATIVE METHOD.

21 S 2. This act shall take effect immediately.