

2877--A

2011-2012 Regular Sessions

I N S E N A T E

February 2, 2011

Introduced by Sens. GRISANTI, GALLIVAN, MAZIARZ, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- reported favorably from said committee and committed to the Committee on Commerce, Economic Development and Small Business -- 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-

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

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

23 S 2. This act shall take effect immediately.