

191--B

Cal. No. 14

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the environmental conservation law, in relation to the recycling of film plastic

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

1 Section 1. Subdivision 2 of section 27-2701 of the environmental
2 conservation law, as added by chapter 641 of the laws of 2008, is
3 amended and a new subdivision 7 is added to read as follows:
4 2. "Manufacturer" means the producer of a plastic carryout bag OR FILM
5 PLASTIC sold to a store or the manufacturer's agent or broker who sold
6 the plastic carryout bag OR FILM PLASTIC to the store.
7 7. "FILM PLASTIC" MEANS UNCONTAMINATED NON-RIGID FILM PLASTIC PACKAG-
8 ING PRODUCTS COMPOSED OF PLASTIC RESINS, WHICH INCLUDE, BUT ARE NOT
9 LIMITED TO, NEWSPAPER BAGS, DRY CLEANING BAGS AND SHRINK-WRAP.
10 S 2. Subdivision 1 of section 27-2703 of the environmental conserva-
11 tion law, as added by chapter 641 of the laws of 2008, is amended to
12 read as follows:
13 1. The operator of a store shall establish an at-store recycling
14 program pursuant to the provisions of this title that provides an oppor-
15 tunity for a customer of the store to return to the store clean plastic
16 carryout bags AND FILM PLASTIC.
17 S 3. Subdivisions 2, 3 and 4 of section 27-2705 of the environmental
18 conservation law, as added by chapter 641 of the laws of 2008, are
19 amended to read as follows:
20 2. a [plastic carryout bag] collection bin that is visible, easily
21 accessible to the consumer, and clearly marked that the collection bin

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

LBD03512-05-3

1 is available for the purpose of collecting and recycling plastic carry-
2 out bags AND FILM PLASTIC. This subdivision shall apply to stores not
3 within an enclosed shopping mall and stores of at least fifty thousand
4 square feet within an enclosed shopping mall. In the case of an enclosed
5 shopping mall, the owner of the enclosed mall shall place bins at
6 reasonable intervals throughout the enclosed mall area;

7 3. all plastic carryout bags AND FILM PLASTIC collected by the store
8 to be collected, transported and recycled along with any other in-store
9 plastic recycling, except for plastic bags that are not sufficiently
10 free of foreign material to enter the recycling stream. Plastic carryout
11 bags AND FILM PLASTIC collected by the store or the manufacturer, which
12 are free of foreign material, shall not be disposed of in any solid
13 waste disposal facility permitted or authorized pursuant to title seven
14 of this article;

15 4. the store or its agent to maintain, for a minimum of three years,
16 records describing the collection, transport and recycling of plastic
17 carryout bags AND FILM PLASTIC collected by weight, provided however
18 that stores or its agents may weigh such bags, FILM PLASTIC and any
19 other in-store plastic recycling at a regional collection center. Such
20 records shall be made available to the department upon request, to
21 demonstrate compliance with this title; and

22 S 4. Subdivision 1 of section 27-2707 of the environmental conserva-
23 tion law, as added by chapter 641 of the laws of 2008, is amended to
24 read as follows:

25 1. When the manufacturer accepts plastic carryout bags AND FILM PLAS-
26 TIC for return, it or its agent shall maintain, for a minimum of three
27 years, records describing the collection, transport and recycling of
28 plastic carryout bags AND FILM PLASTIC collected by weight, provided
29 that the manufacturer or its agents may weigh such bags, FILM PLASTIC
30 and any other plastic resins at a regional collection center. Such
31 records shall be made available to the department upon request, to
32 demonstrate compliance with this title.

33 S 5. Section 27-2709 of the environmental conservation law, as added
34 by chapter 641 of the laws of 2008, is amended to read as follows:
35 S 27-2709. Department responsibility.

36 1. The department shall develop educational materials to encourage the
37 reduction, reuse and recycling of plastic carryout bags AND FILM PLASTIC
38 and shall make those materials available to stores required to comply
39 with this article.

40 2. The department shall provide information regarding the availability
41 of recycling facilities and companies that recycle plastic bags AND FILM
42 PLASTIC, including the addresses and phone numbers of such facilities
43 and companies to stores required to comply with this article.

44 S 6. Section 27-2713 of the environmental conservation law, as added
45 by chapter 641 of the laws of 2008, is amended to read as follows:
46 S 27-2713. Preemption.

47 Jurisdiction in all matters pertaining to plastic bag AND FILM PLASTIC
48 recycling is by this article vested exclusively in the state. Any
49 provision of any local law or ordinance, or any rule or regulation
50 promulgated thereto, governing the recycling of plastic bags AND FILM
51 PLASTIC shall, upon the effective date of this title, be preempted.
52 Provided however, nothing in this section shall preclude a person from
53 coordinating for recycling or reuse the collection of plastic bags OR
54 FILM PLASTIC.

55 S 7. This act shall take effect March 1, 2015.