

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.