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

9448--A

I N A S S E M B L Y

April 30, 2014

Introduced by M. of A. BORELLI -- 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 municipal solid and regulated medical waste incineration facilities

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

Section 1. Section 19-0306 of the environmental conservation law is amended by adding a new subdivision 8 to read as follows:

8. (A) IT SHALL BE UNLAWFUL FOR ANY MUNICIPAL SOLID OR REGULATED MEDICAL WASTE INCINERATION FACILITY, AS DEFINED BY THIS SECTION, TO BURN, INCINERATE OR OTHERWISE DEFILE THE REMAINS OF ANY DECEDENT OR ANY OTHER RECOGNIZABLE HUMAN BODY PART FOR THE PURPOSE OF PRODUCING ENERGY.

(B) "DECEDENT" MEANS A DECEASED INDIVIDUAL OF ANY AGE AND INCLUDES A STILLBORN INFANT OR A FETUS AT ANY STAGE OF DEVELOPMENT REGARDLESS OF THE CAUSE OF DEATH.

(C) THE COMMISSIONER IN CONJUNCTION WITH THE COMMISSIONER OF THE DEPARTMENT OF HEALTH SHALL HAVE THE POWER TO ENFORCE THE PROVISIONS OF THIS SUBDIVISION.

(D) ANY MUNICIPAL SOLID OR REGULATED MEDICAL WASTE INCINERATION FACILITY THAT KNOWINGLY VIOLATES, DISOBEYS, OR DISREGARDS ANY TERM OF THIS SUBDIVISION SHALL BE LIABLE TO THE PEOPLE OF THE STATE FOR A CIVIL PENALTY, TO BE ASSESSED BY THE COMMISSIONER, NOT TO EXCEED ONE THOUSAND DOLLARS FOR THE FIRST VIOLATION, TWO THOUSAND FIVE HUNDRED DOLLARS FOR THE SECOND VIOLATION, AND FIVE THOUSAND DOLLARS FOR THE THIRD AND SUBSEQUENT VIOLATIONS.

S 2. This act shall take effect immediately.

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

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