

5817--A

2013-2014 Regular Sessions

I N   S E N A T E

June 17, 2013

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Introduced by Sen. GRISANTI -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- 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 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  
22    is available for the purpose of collecting and recycling plastic carry-  
23    out bags AND FILM PLASTIC. This subdivision shall apply to stores not

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

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1 within an enclosed shopping mall and stores of at least fifty thousand  
2 square feet within an enclosed shopping mall. In the case of an enclosed  
3 shopping mall, the owner of the enclosed mall shall place bins at  
4 reasonable intervals throughout the enclosed mall area;

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

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

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

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

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

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

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

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

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

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