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

3636--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 27, 2015

Introduced by M. of A. DenDEKKER, JAFFEE, McDONOUGH, THIELE, O'DONNELL, LIFTON, COLTON, CRESPO, ROBINSON, STIRPE, KIM, ENGLEBRIGHT, SEPULVEDA, MOSLEY, HEVESI, MARKEY, SEAWRIGHT, BENEDETTO, PRETLOW, ABINANTI, WEINSTEIN, ORTIZ, TITONE, DILAN, ABBATE, PEOPLES-STOKES, LENTOL, LAVINE, COOK, HYNDMAN, FAHY, STEC, HIKIND, MILLER -- Multi-Sponsored by -- M. of A. GLICK, GOLDFEDER, KEARNS, MAGEE, MOYA, PICHARDO, RODRIGUEZ, SIMOTAS -- read once and referred to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to prohibiting grocery stores from providing plastic carryout bags

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

Section 1. Subdivision 4 of section 27-2701 of the environmental conservation law, as added by chapter 641 of the laws of 2008, is amended and four new subdivisions 8, 9, 10 and 11 are added to read as follows:

4. "Plastic carryout bag" means a [plastic carryout] bag MADE PREDOMINANTLY OF ANY TYPE OF PLASTIC WHICH IS provided by a store to a customer at the point of sale, BUT DOES NOT INCLUDE REUSABLE BAGS, PRODUCE BAGS, OR PRODUCT BAGS AS DEFINED IN THIS SECTION.

8. "GROCERY STORE" MEANS A RETAIL ESTABLISHMENT WHERE PRODUCE, MEATS OR OTHER FOOD ITEMS ARE REGULARLY AND CUSTOMARILY SOLD FOR CONSUMPTION OFF THE PREMISES.

9. "PRODUCE BAG" OR "PRODUCT BAG" MEANS ANY BAG WITHOUT HANDLES USED EXCLUSIVELY TO CARRY PRODUCE, MEATS, OR OTHER FOOD ITEMS TO THE POINT OF SALE INSIDE A STORE OR TO PREVENT SUCH FOOD ITEMS FROM COMING INTO DIRECT CONTACT WITH OTHER PURCHASED ITEMS.

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

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10. "RECYCLABLE" MEANS MATERIAL THAT CAN BE SORTED, CLEANSED, AND RECONSTITUTED USING AVAILABLE RECYCLING COLLECTION PROGRAMS FOR THE PURPOSE OF USING THE MATERIAL IN THE MANUFACTURE OF A NEW PRODUCT. "RECYCLING" DOES NOT INCLUDE BURNING, INCINERATING, OR OTHERWISE THERMALLY DESTROYING SOLID WASTE.

11. "RECYCLABLE PAPER CARRYOUT BAG" MEANS A PAPER BAG THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS: (A) IS ONE HUNDRED PERCENT RECYCLABLE OVERALL AND CONTAINS A MINIMUM OF EIGHTY PERCENT RECYCLED MATERIAL; (B) DISPLAYS THE WORD "RECYCLABLE" IN A HIGHLY VISIBLE MANNER ON THE OUTSIDE OF THE BAG; AND (C) HAS PRINTED ON THE BAG THE NAME OF THE MANUFACTURER, THE LOCATION (COUNTRY) WHERE THE BAG WAS MANUFACTURED, AND THE PERCENTAGE OF RECYCLED MATERIAL USED.

S 2. The environmental conservation law is amended by adding a new section 27-2706 to read as follows:

S 27-2706. PROHIBITION OF PLASTIC BAGS.

1. NO GROCERY STORE LOCATED IN THE STATE MAY DISTRIBUTE PLASTIC CARRYOUT BAGS AS DEFINED IN SECTION 27-2701 OF THIS TITLE.

2. SUCH PROHIBITION SHALL APPLY TO BAGS PROVIDED FOR THE PURPOSE OF CARRYING AWAY GOODS FROM THE POINT OF SALE AND SHALL NOT APPLY TO PRODUCE BAGS OR PRODUCT BAGS AS SUCH TERMS ARE DEFINED IN SECTION 27-2701 OF THIS TITLE.

3. ALL GROCERY STORES SHALL PROVIDE RECYCLABLE PAPER CARRYOUT BAGS, AS DEFINED IN SECTION 27-2701 OF THIS TITLE, AT THE POINT OF SALE AND AT NO CHARGE TO THE CUSTOMER. IN ADDITION TO RECYCLABLE PAPER CARRYOUT BAGS, GROCERY STORES MAY OFFER BAGS WHICH ARE BIODEGRADABLE OR COMPOSTABLE. GROCERY STORES MAY ALSO PROVIDE REUSABLE PLASTIC BAGS WHEN THE CUSTOMER PAYS A DEPOSIT FOR THE USE OF SUCH BAGS WHICH SHALL BE RETURNED TO THE CUSTOMER UPON THE RETURN OF THE BAGS TO THE STORE.

4. NOTHING IN THIS SECTION SHALL BE READ TO PRECLUDE ANY ESTABLISHMENT FROM MAKING REUSABLE BAGS, AS DEFINED IN SECTION 27-2701 OF THIS TITLE, AVAILABLE TO CUSTOMERS BY SALE OR OTHERWISE.

5. NOTHING IN THIS SECTION SHALL BE READ TO PRECLUDE ANY ESTABLISHMENT FROM PROVIDING PRODUCE BAGS OR PRODUCT BAGS, AS DEFINED IN SECTION 27-2701 OF THIS TITLE, TO THEIR CUSTOMERS.

6. NOTHING IN THIS SECTION SHALL PROHIBIT CUSTOMERS FROM USING BAGS OF ANY TYPE THAT THEY BRING TO THE STORE THEMSELVES OR FROM CARRYING AWAY GOODS THAT ARE NOT PLACED IN A BAG, IN LIEU OF USING BAGS PROVIDED BY THE STORE.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided, however, that effective immediately, the addition and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.