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

9904

I N A S S E M B L Y

April 26, 2016

Introduced by M. of A. CUSICK, WEPRIN -- read once and referred to the Committee on Cities

AN ACT to amend the general city law, in relation to prohibiting the imposition of any tax, fee or local charge on carry out merchandise bags

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

Section 1. The general city law is amended by adding a new section 13-d to read as follows:

S 13-D. PROHIBITION ON THE IMPOSITION OF ANY TAX, FEE OR LOCAL CHARGE ON CARRY OUT MERCHANDISE BAGS. 1. DEFINITIONS. FOR PURPOSES OF THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

A. "CARRY OUT MERCHANDISE BAG" SHALL MEAN ANY PLASTIC, PAPER OR OTHER BAG OR CARRYING CONTAINER, PROVIDED BY A RETAIL STORE, TO A CUSTOMER OF THAT STORE, FOR THE PURPOSE OF CARRYING AND/OR TRANSPORTING MERCHANDISE LAWFULLY OBTAINED AT SUCH STORE. A CARRYOUT MERCHANDISE BAG SHALL INCLUDE ANY PLASTIC CARRYOUT BAG AS DEFINED BY SUBDIVISION FOUR OF SECTION 27-2701 OF THE ENVIRONMENTAL CONSERVATION LAW, AS ADDED BY CHAPTER SIX HUNDRED FORTY-ONE OF THE LAWS OF TWO THOUSAND EIGHT.

B. "RETAIL STORE" SHALL MEAN ANY BUSINESS ESTABLISHMENT, INCLUDING, BUT NOT LIMITED TO, A GROCERY STORE, CONVENIENCE STORE, DAIRY PRODUCTS STORE, PRODUCE MARKET, DEPARTMENT STORE, GENERAL MERCHANDISE STORE, CLOTHING STORE, HARDWARE STORE, PHARMACY, DRUG STORE, HOTEL, RESTAURANT, SODA FOUNTAIN, GASOLINE STATION, OR ANY OTHER SIMILAR MERCANTILE ESTABLISHMENT OFFERING GOODS AND/OR SERVICES AT RETAIL TO INDIVIDUAL CONSUMERS, AND/OR ANY OTHER ESTABLISHMENT WHICH IN THE REGULAR COURSE OF BUSINESS SELLS OR RENTS GOODS OR SERVICES DIRECTLY TO THE PUBLIC.

2. PROHIBITION ON THE IMPOSITION OF A TAX, FEE OR LOCAL CHARGE ON ANY CARRY OUT MERCHANDISE BAG. NO CITY, INCLUDING ANY CITY WITH A POPULATION OF ONE MILLION OR MORE, SHALL IMPOSE ANY TAX, FEE OR ANY OTHER LOCAL CHARGE ON ANY CARRY OUT MERCHANDISE BAG AS DEFINED IN PARAGRAPH A OF SUBDIVISION ONE OF THIS SECTION. THIS PROHIBITION SHALL APPLY TO ALL CITIES, INCLUDING ANY CITY WITH A POPULATION OF ONE MILLION OR MORE, REGARDLESS OF WHETHER SUCH TAX, FEE OR OTHER LOCAL CHARGE IS ATTEMPTED

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

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TO BE ASSESSED OR CHARGED BY THE CITY INDIRECTLY AGAINST THE WHOLESALER PROVIDING ANY CARRY OUT MERCHANDISE BAG TO THE RETAIL STORE, OR INDIRECTLY AGAINST THE RETAIL STORE PROVIDING ANY CARRY OUT MERCHANDISE BAG TO THE CUSTOMER, OR DIRECTLY AGAINST THE CUSTOMER RECEIVING THE CARRY OUT MERCHANDISE BAG FROM THE RETAIL STORE.

3. PROHIBITION ON THE COLLECTION OF A TAX, FEE OR LOCAL CHARGE ON ANY CARRY OUT MERCHANDISE BAG. NO WHOLESALER MAY COLLECT ANY ADDITIONAL CHARGE, TAX OR ANY OTHER FEE UPON A RETAIL STORE FOR THE PROVISION OF ANY CARRY OUT MERCHANDISE BAG, OTHER THAN THE ORIGINAL COST OF SUCH BAG AS AGREED BETWEEN THE WHOLESALER AND THE RETAIL STORE FOR THE PURCHASE OF SUCH BAG. ADDITIONALLY, NO RETAIL STORE MAY COLLECT ANY CHARGE, TAX OR ANY OTHER FEE UPON A CUSTOMER IN RETURN FOR THE PROVISION OF ANY CARRY OUT MERCHANDISE BAG.

S 2. The act shall take effect immediately.