

4536

2015-2016 Regular Sessions

I N   S E N A T E

March 26, 2015

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Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

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:

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

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

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

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

16     10. "RECYCLABLE" MEANS MATERIAL THAT CAN BE SORTED, CLEANSSED, AND  
17 RECONSTITUTED USING AVAILABLE RECYCLING COLLECTION PROGRAMS FOR THE  
18 PURPOSE OF USING THE MATERIAL IN THE MANUFACTURE OF A NEW PRODUCT.  
19 "RECYCLING" DOES NOT INCLUDE BURNING, INCINERATING, OR OTHERWISE THER-  
20 MALLY DESTROYING SOLID WASTE.

21     11. "RECYCLABLE PAPER CARRYOUT BAG" MEANS A PAPER BAG THAT MEETS ALL  
22 OF THE FOLLOWING REQUIREMENTS: (A) IS ONE HUNDRED PERCENT RECYCLABLE  
23 OVERALL AND CONTAINS A MINIMUM OF EIGHTY PERCENT RECYCLED MATERIAL; (B)  
24 DISPLAYS THE WORD "RECYCLABLE" IN A HIGHLY VISIBLE MANNER ON THE OUTSIDE  
25 OF THE BAG; AND (C) HAS PRINTED ON THE BAG THE NAME OF THE MANUFACTURER,

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

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1 THE LOCATION (COUNTRY) WHERE THE BAG WAS MANUFACTURED, AND THE PERCENT-  
2 AGE OF RECYCLED MATERIAL USED.

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

5 S 27-2706. PROHIBITION OF PLASTIC BAGS.

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

8 2. SUCH PROHIBITION SHALL APPLY TO BAGS PROVIDED FOR THE PURPOSE OF  
9 CARRYING AWAY GOODS FROM THE POINT OF SALE AND SHALL NOT APPLY TO  
10 PRODUCE BAGS OR PRODUCT BAGS AS SUCH TERMS ARE DEFINED IN SECTION  
11 27-2701 OF THIS TITLE.

12 3. ALL GROCERY STORES SHALL PROVIDE RECYCLABLE PAPER CARRYOUT BAGS, AS  
13 DEFINED IN SECTION 27-2701 OF THIS TITLE, AT THE POINT OF SALE AND AT NO  
14 CHARGE TO THE CUSTOMER.

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

18 5. NOTHING IN THIS SECTION SHALL BE READ TO PRECLUDE ANY ESTABLISHMENT  
19 FROM PROVIDING PRODUCE BAGS OR PRODUCT BAGS, AS DEFINED IN SECTION  
20 27-2701 OF THIS TITLE, TO THEIR CUSTOMERS.

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

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