

7336

I N S E N A T E

April 15, 2016

Introduced by Sens. FELDER, LANZA, GOLDEN -- read twice and ordered printed, and when printed to be committed 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:

- 1 Section 1. The general city law is amended by adding a new section
2 13-d to read as follows:
3 S 13-D. PROHIBITION ON THE IMPOSITION OF ANY TAX, FEE OR LOCAL CHARGE
4 ON CARRY OUT MERCHANDISE BAGS. 1. DEFINITIONS. FOR PURPOSES OF THIS
5 SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:
6 A. "CARRY OUT MERCHANDISE BAG" SHALL MEAN ANY PLASTIC, PAPER OR OTHER
7 BAG OR CARRYING CONTAINER, PROVIDED BY A RETAIL STORE, TO A CUSTOMER OF
8 THAT STORE, FOR THE PURPOSE OF CARRYING AND/OR TRANSPORTING MERCHANDISE
9 LAWFULLY OBTAINED AT SUCH STORE. A CARRYOUT MERCHANDISE BAG SHALL
10 INCLUDE ANY PLASTIC CARRYOUT BAG AS DEFINED BY SUBDIVISION FOUR OF
11 SECTION 27-2701 OF THE ENVIRONMENTAL CONSERVATION LAW, AS ADDED BY CHAP-
12 TER SIX HUNDRED FORTY-ONE OF THE LAWS OF TWO THOUSAND EIGHT.
13 B. "RETAIL STORE" SHALL MEAN ANY BUSINESS ESTABLISHMENT, INCLUDING,
14 BUT NOT LIMITED TO, A GROCERY STORE, CONVENIENCE STORE, DAIRY PRODUCTS
15 STORE, PRODUCE MARKET, DEPARTMENT STORE, GENERAL MERCHANDISE STORE,
16 CLOTHING STORE, HARDWARE STORE, PHARMACY, DRUG STORE, HOTEL, RESTAURANT,
17 SODA FOUNTAIN, GASOLINE STATION, OR ANY OTHER SIMILAR MERCANTILE ESTAB-
18 LISHMENT OFFERING GOODS AND/OR SERVICES AT RETAIL TO INDIVIDUAL CONSUM-
19 ERS, AND/OR ANY OTHER ESTABLISHMENT WHICH IN THE REGULAR COURSE OF BUSI-
20 NESS SELLS OR RENTS GOODS OR SERVICES DIRECTLY TO THE PUBLIC.
21 2. PROHIBITION ON THE IMPOSITION OF A TAX, FEE OR LOCAL CHARGE ON ANY
22 CARRY OUT MERCHANDISE BAG. NO CITY, INCLUDING ANY CITY WITH A POPULATION
23 OF ONE MILLION OR MORE, SHALL IMPOSE ANY TAX, FEE OR ANY OTHER LOCAL
24 CHARGE ON ANY CARRY OUT MERCHANDISE BAG AS DEFINED IN PARAGRAPH A OF
25 SUBDIVISION ONE OF THIS SECTION. THIS PROHIBITION SHALL APPLY TO ALL
26 CITIES, INCLUDING ANY CITY WITH A POPULATION OF ONE MILLION OR MORE,
27 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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1 TO BE ASSESSED OR CHARGED BY THE CITY INDIRECTLY AGAINST THE WHOLESALER
2 PROVIDING ANY CARRY OUT MERCHANDISE BAG TO THE RETAIL STORE, OR INDI-
3 RECTLY AGAINST THE RETAIL STORE PROVIDING ANY CARRY OUT MERCHANDISE BAG
4 TO THE CUSTOMER, OR DIRECTLY AGAINST THE CUSTOMER RECEIVING THE CARRY
5 OUT MERCHANDISE BAG FROM THE RETAIL STORE.

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

14 S 2. The act shall take effect immediately.