

# STATE OF NEW YORK

6717

2017-2018 Regular Sessions

## IN SENATE

June 14, 2017

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The county law is amended by adding a new section 853 to  
2 read as follows:

3 § 853. Prohibition on the imposition of any tax, fee or local charge  
4 on carry out merchandise bags in Suffolk county. 1. Definitions. For  
5 purposes of this section the following terms shall have the following  
6 meanings:

7 a. "Carry out merchandise bag" shall mean any plastic, paper or other  
8 bag or carrying container, provided by a retail store, to a customer of  
9 that store, for the purpose of carrying and/or transporting merchandise  
10 lawfully obtained at such store. A carry out merchandise bag shall  
11 include any plastic carryout bag as defined by subdivision four of  
12 section 27-2701 of the environmental conservation law.

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. The county of Suffolk shall not impose any  
23 tax, fee or any other local charge on any carry out merchandise bag as  
24 defined in paragraph a of subdivision one of this section. This prohibi-

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

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tion shall apply to the county of Suffolk, regardless of whether such tax, fee or other local charge is attempted to be assessed or charged by such county 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 or retailer may collect any charge, tax or any other fee that has been assessed or directed to be imposed upon customers by the county of Suffolk for the provision of any carry out merchandise bag. Nothing in this subdivision shall be deemed to prevent a wholesaler from collecting a charge from a retailer for the sale of a carry out merchandise bag, or prevent a retailer from collecting a charge from a customer for a carry out merchandise bag, if such charge was not assessed or directed to be imposed upon customers by the county of Suffolk.

§ 2. This act shall take effect immediately.