

STATE OF NEW YORK

8257

IN SENATE

April 24, 2018

Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the environmental conservation law, in relation to prohibiting plastic carryout bags

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

1 Section 1. The environmental conservation law is amended by adding a
2 new section 27-2708 to read as follows:

3 § 27-2708. Plastic carryout bag prohibition.

4 1. Beginning January first, two thousand nineteen, the provision of
5 plastic carryout bags at any point of sale to customers is prohibited.

6 2. This prohibition does not apply to (i) a reusable bag that is not
7 made of film plastic or a compostable bag; (ii) a plastic bag used sole-
8 ly to contain or wrap uncooked meat, fish, or poultry; (iii) a plastic
9 bag used by a customer solely to package bulk items, such as fruits,
10 vegetables, nuts, grains, or candy; (iv) a plastic bag used solely to
11 contain food sliced to order; (v) a plastic bag used solely to contain a
12 newspaper for delivery to a subscriber; (vi) plastic bags sold in bulk;
13 (vii) a plastic bag prepackaged for sale to a customer including, but
14 not limited to, a trash bag and a food storage bag; (viii) a plastic
15 garment bag; (ix) a plastic bag provided by a restaurant, tavern or
16 similar establishment to carry out or deliver food; or (x) any other bag
17 exempted by the department in regulations.

18 § 2. Section 27-2713 of the environmental conservation law, as amended
19 by chapter 481 of the laws of 2014, is amended to read as follows:

20 § 27-2713. Preemption.

21 Jurisdiction in all matters pertaining to plastic bag and film plastic
22 recycling and fees or other measures associated with reducing the use of
23 single use bags is by this article vested exclusively in the state. Any
24 provision of any local law or ordinance, or any rule or regulation
25 promulgated thereto, governing the recycling of plastic bags and film
26 plastic and fees or other measures associated with single use bags
27 shall, upon the effective date of this title, be preempted. Provided

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

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1 however, nothing in this section shall preclude a person from coordinat-
2 ing for recycling or reuse the collection of plastic bags or film plas-
3 tic.
4 § 3. This act shall take effect immediately.