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:

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

§ 27-2708. Plastic carryout bag prohibition.

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

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

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

§ 27-2713. Preemption.

Jurisdiction in all matters pertaining to plastic bag and film plastic recycling **and fees or other measures associated with reducing the use of single use bags** is by this article vested exclusively in the state. Any provision of any local law or ordinance, or any rule or regulation promulgated thereto, governing the recycling of plastic bags and film plastic **and fees or other measures associated with single use bags** 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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however, nothing in this section shall preclude a person from coordinating for recycling or reuse the collection of plastic bags or film plastic.

§ 3. This act shall take effect immediately.