STATE OF NEW YORK

6239

2017-2018 Regular Sessions

IN ASSEMBLY

March 1, 2017

Introduced by M. of A. SEPULVEDA -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law and the general business law, in relation to an instant tax rebate of three cents per reusable bag furnished to replace a plastic carryout bag by a customer of a retail store

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

Section 1. Section 1210 of the tax law is amended by adding a new subdivision (k) to read as follows:

(k) Notwithstanding any other provision of law to the contrary, an instant rebate of three cents from the taxes authorized under sections twelve hundred one through twelve hundred four of this article shall be issued per reusable bag, as defined in section three hundred ninety-nine-eee of the general business law, furnished for the replacement of a plastic carryout bag, as defined in section three hundred ninety-nine-eee of the general business law, shall be applied to any taxes to be paid on the transaction. This rebate shall not reduce the amount to be remitted to local taxing jurisdictions.

§ 2. The general business law is amended by adding a new section 399-eee to read as follows:

§ 399-eee. Rebate on sales tax for use of reusable carry out merchandise bags. 1. Definitions. For purposes of this section the following terms shall have the following meanings:

(a) "Plastic carryout bag" means a plastic carryout bag provided by a store to a customer at the point of sale.

(b) "Retail store" means any business establishment, including, but not limited to, a grocery store, convenience store, dairy products store, produce market, department store, general merchandise store, clothing store, hardware store, pharmacy, drug store, hotel, restaurant, soda fountain, gasoline station, or any other similar mercantile establishment offering goods and/or services at retail to individual consum-

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

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ers, and/or any other establishment which in the regular course of business sells or rents goods or services directly to the public.

(c) "Reusable bag" means:

(i) a bag made of cloth or other machine washable fabric that has handles; or

(ii) a durable plastic bag with handles that is specifically designed and manufactured for multiple reuse.

2. Reusable bag rebate. Whenever a retail store would use a plastic carryout bag but does not due to the use of a reusable bag furnished by the customer, the retail store shall, in accordance with subdivision (k) of section twelve hundred ten of the tax law, reduce any taxes administered and collected by the state tax commission on the transaction by three cents per reusable bag furnished by the customer that replaces a plastic carryout bag.

§ 3. This act shall take effect on the first day of the sales tax quarter that begins at least ninety days after the day on which it shall have become a law.