

# STATE OF NEW YORK

5282

2019-2020 Regular Sessions

## IN SENATE

April 23, 2019

Introduced by Sen. KAMINSKY -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the state finance law, in relation to restricting hotels from making available to hotel guests small bottle personal care products

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

Section 1. Article 27 of the environmental conservation law is amended by adding a new title 30 to read as follows:

### TITLE 30

#### SMALL BOTTLE PERSONAL CARE PRODUCT RESTRICTIONS

##### Section 27-3001. Definitions.

##### 27-3003. Small bottle personal care products.

##### 27-3005. Violations.

##### 27-3007. Preemption of local law.

##### § 27-3001. Definitions.

##### As used in this title:

1. "Hotel" means a building or portion of a building which is regularly used and kept open as such for the lodging of guests. Hotel includes an apartment hotel, a motel or a boarding house, whether or not meals are served.

2. "Personal care product" means a product intended to be applied to or used on the human body or any part thereof for cleansing, conditioning, or moisturizing. Personal care product includes, but is not limited to, shampoo, conditioner, lotion, and liquid soap.

3. "Plastic" means any various organic compounds produced by polymerization, capable of being molded, extruded, cast into various shapes and films, or drawn into filaments.

4. "Small plastic bottle" means a plastic bottle or container with less than a twelve ounce capacity that is intended to be nonreusable by the end user.

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

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1 § 27-3003. Small bottle personal care products.

2 1. A hotel shall not provide a small plastic bottle containing a  
3 personal care product to a person staying in a sleeping room accommo-  
4 dation, in any space within the sleeping room accommodation, or in an  
5 area in the hotel that is shared by the public or guests, including but  
6 not limited to, the public lavatories and washrooms of such hotel.

7 2. A hotel may use bulk dispensers of personal care products to reduce  
8 plastic waste and lower operating costs.

9 3. Nothing in this section shall preclude a hotel from providing  
10 customers with non-plastic small bottle alternatives.

11 § 27-3005. Violations.

12 1. A hotel that violates a provision of this title shall receive a  
13 warning notice for the first such violation. A hotel shall be liable to  
14 the state for a civil penalty of two hundred fifty dollars for the first  
15 violation after receiving a warning and five hundred dollars for any  
16 subsequent violation in the same calendar year. A hearing or opportunity  
17 to be heard shall be provided prior to the assessment of any civil  
18 penalty.

19 2. The department, the department of health, and the attorney general  
20 are hereby authorized to enforce the provisions of this title and all  
21 monies collected shall be deposited to the credit of the environmental  
22 protection fund established pursuant to section ninety-two-s of the  
23 state finance law.

24 § 27-3007. Preemption of local law.

25 Jurisdiction in all matters pertaining to small bottle personal care  
26 product restrictions is vested exclusively in the state.

27 § 2. Subdivision 3 of section 92-s of the state finance law, as  
28 amended by section 1 of part AA of chapter 58 of the laws of 2018, is  
29 amended to read as follows:

30 3. Such fund shall consist of the amount of revenue collected within  
31 the state from the amount of revenue, interest and penalties deposited  
32 pursuant to section fourteen hundred twenty-one of the tax law, the  
33 amount of fees and penalties received from easements or leases pursuant  
34 to subdivision fourteen of section seventy-five of the public lands law  
35 and the money received as annual service charges pursuant to section  
36 four hundred four-n of the vehicle and traffic law, all moneys required  
37 to be deposited therein from the contingency reserve fund pursuant to  
38 section two hundred ninety-four of chapter fifty-seven of the laws of  
39 nineteen hundred ninety-three, all moneys required to be deposited  
40 pursuant to section thirteen of chapter six hundred ten of the laws of  
41 nineteen hundred ninety-three, repayments of loans made pursuant to  
42 section 54-0511 of the environmental conservation law, all moneys to be  
43 deposited from the Northville settlement pursuant to section one hundred  
44 twenty-four of chapter three hundred nine of the laws of nineteen  
45 hundred ninety-six, provided however, that such moneys shall only be  
46 used for the cost of the purchase of private lands in the core area of  
47 the central Suffolk pine barrens pursuant to a consent order with the  
48 Northville industries signed on October thirteenth, nineteen hundred  
49 ninety-four and the related resource restoration and replacement plan,  
50 the amount of penalties required to be deposited therein by section  
51 71-2724 of the environmental conservation law, all moneys required to be  
52 deposited pursuant to article thirty-three of the environmental conser-  
53 vation law, all fees collected pursuant to subdivision eight of section  
54 70-0117 of the environmental conservation law, all moneys collected  
55 pursuant to title thirty-three of article fifteen of the environmental  
56 conservation law, beginning with the fiscal year commencing on April

1 first, two thousand thirteen, nineteen million dollars, and all fiscal  
2 years thereafter, twenty-three million dollars plus all funds received  
3 by the state each fiscal year in excess of the greater of the amount  
4 received from April first, two thousand twelve through March thirty-  
5 first, two thousand thirteen or one hundred twenty-two million two  
6 hundred thousand dollars, from the payments collected pursuant to subdi-  
7 vision four of section 27-1012 of the environmental conservation law and  
8 all funds collected pursuant to section 27-1015 of the environmental  
9 conservation law, all moneys required to be deposited pursuant to  
10 section 27-3005 of the environmental conservation law, and all other  
11 moneys credited or transferred thereto from any other fund or source  
12 pursuant to law. All such revenue shall be initially deposited into the  
13 environmental protection fund, for application as provided in subdivi-  
14 sion five of this section.

15 § 3. Subdivision 3 of section 92-s of the state finance law, as  
16 amended by section 4 of part H of chapter 58 of the laws of 2019, is  
17 amended to read as follows:

18 3. Such fund shall consist of the amount of revenue collected within  
19 the state from the amount of revenue, interest and penalties deposited  
20 pursuant to section fourteen hundred twenty-one of the tax law, the  
21 amount of fees and penalties received from easements or leases pursuant  
22 to subdivision fourteen of section seventy-five of the public lands law  
23 and the money received as annual service charges pursuant to section  
24 four hundred four-n of the vehicle and traffic law, all moneys required  
25 to be deposited therein from the contingency reserve fund pursuant to  
26 section two hundred ninety-four of chapter fifty-seven of the laws of  
27 nineteen hundred ninety-three, all moneys required to be deposited  
28 pursuant to section thirteen of chapter six hundred ten of the laws of  
29 nineteen hundred ninety-three, repayments of loans made pursuant to  
30 section 54-0511 of the environmental conservation law, all moneys to be  
31 deposited from the Northville settlement pursuant to section one hundred  
32 twenty-four of chapter three hundred nine of the laws of nineteen  
33 hundred ninety-six, provided however, that such moneys shall only be  
34 used for the cost of the purchase of private lands in the core area of  
35 the central Suffolk pine barrens pursuant to a consent order with the  
36 Northville industries signed on October thirteenth, nineteen hundred  
37 ninety-four and the related resource restoration and replacement plan,  
38 the amount of penalties required to be deposited therein by section  
39 71-2724 of the environmental conservation law, all moneys required to be  
40 deposited pursuant to article thirty-three of the environmental conser-  
41 vation law, all fees collected pursuant to subdivision eight of section  
42 70-0117 of the environmental conservation law, all moneys collected  
43 pursuant to title thirty-three of article fifteen of the environmental  
44 conservation law, beginning with the fiscal year commencing on April  
45 first, two thousand thirteen, nineteen million dollars, and all fiscal  
46 years thereafter, twenty-three million dollars plus all funds received  
47 by the state each fiscal year in excess of the greater of the amount  
48 received from April first, two thousand twelve through March thirty-  
49 first, two thousand thirteen or one hundred twenty-two million two  
50 hundred thousand dollars, from the payments collected pursuant to subdi-  
51 vision four of section 27-1012 of the environmental conservation law and  
52 all funds collected pursuant to section 27-1015 of the environmental  
53 conservation law, all moneys required to be deposited pursuant to  
54 sections 27-2805 and 27-2807 of the environmental conservation law, all  
55 moneys required to be deposited pursuant to section 27-3005 of the envi-  
56 ronmental conservation law, and all other moneys credited or transferred

1 thereto from any other fund or source pursuant to law. All such revenue  
2 shall be initially deposited into the environmental protection fund, for  
3 application as provided in subdivision five of this section.

4 § 4. This act shall take effect January 1, 2022; provided, however,  
5 that the amendments to subdivision three of section ninety-two-s of the  
6 state finance law made by section three of this act shall take effect on  
7 the same date and in the same manner as section 4 of part H of chapter  
8 58 of the laws of 2019, takes effect.