STATE OF NEW YORK

1642

2019-2020 Regular Sessions

IN ASSEMBLY

January 16, 2019

Introduced by M. of A. HUNTER -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to requiring manufacturers of consumer goods to accept for collection, handling and recycling or reuse, consumer goods waste for which it is the manufacturer

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 31 to read as follows:

TITLE 31

MANUFACTURERS OF CONSUMER GOODS RECYCLING AND REUSE

Section 27-3101. Definitions.
27-3102. Manufacturer collection.
27-3103. Manufacturer consumer goods waste acceptance program.
27-3104. Labeling.
27-3105. Department responsibilities.
27-3106. Preemption.

§ 27-3101. Definitions.

1. "Consumer goods" shall mean goods purchased, leased, or rented primarily for personal, family or household purposes.

2. "Business consumer" shall mean a for-profit entity which has fifty or more full time employees or a not-for-profit corporation with seventy-five or more full time employees, but not a not-for-profit corporation designated under section 501(c)(3) of the internal revenue code.

3. "Premium services" shall mean equipment and data security services, refurbishment for reuse by the consumer, and other custom services as may be determined by the department.

§ 27-3102. Manufacturer collection.

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

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Beginning April first, two thousand twenty-one, a manufacturer of consumer goods must accept for collection, handling and recycling or reuse, consumer goods waste for which it is the manufacturer.

§ 27-3103. Manufacturer consumer goods waste acceptance program.

1. A manufacturer shall provide for the collection, handling and recycling or reuse of consumer goods waste pursuant to section 27-3102 of this title in a manner convenient to consumers. The following acceptance methods shall be considered reasonably convenient: (a) mail or ship back return programs; (b) collection or acceptance events conducted by the manufacturer or the manufacturer's agent or designee, including events conducted through local governments or private parties; (c) fixed acceptance locations such as dedicated acceptance sites operated by the manufacturer or its agent or designee; (d) agreements with local governments, retail stores, sales outlets and not-for-profit organizations which have agreed to provide facilities for the collection of consumer goods waste; (e) community collection events; and (f) any combination of these or other acceptance methods which effectively provide for the acceptance of consumer goods waste for recycling or reuse through means that are available and reasonably convenient to consumers in the state. At a minimum, the manufacturer shall ensure that all counties of the state, and all municipalities which have a population of ten thousand or greater, have at least one method of acceptance that is available within such county or municipality. The department may establish additional requirements to ensure convenient collection from consumers.

2. A manufacturer shall be responsible for all costs associated with the implementation of the consumer goods waste acceptance program. The manufacturer shall not charge consumers for the collection, handling and recycling and reuse of consumer goods waste, provided that such prohibition shall not apply to a charge on business consumers or to charges for premium services. This prohibition shall not apply to a manufacturer's contract with a consumer for the collection, handling, recycling or reuse of consumer goods waste that was entered into prior to the effective date of this section.

§ 27-3104. Labeling.

Beginning April first, two thousand twenty-one, a manufacturer may not offer for sale in the state or deliver to retailers for subsequent sale consumer goods unless it has a visible, permanent label clearly identifying the manufacturer of that equipment.

§ 27-3105. Department responsibilities.

The department is authorized to promulgate rules and regulations necessary to implement and administer this title.

§ 27-3106. Preemption.

Jurisdiction in all matters pertaining to consumer goods waste recycling is, by this title, vested exclusively in the state. Any provision of any local law or ordinance, or any rule or regulation promulgated thereto, governing consumer goods and the collection, reuse, or recycling of consumer goods waste shall upon the effective date of this title be preempted.

§ 2. This act shall take effect immediately.