

# STATE OF NEW YORK

4003

2019-2020 Regular Sessions

## IN ASSEMBLY

January 31, 2019

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

AN ACT to amend the environmental conservation law, in relation to  
prohibiting grocery stores from providing plastic carryout bags

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

1 Section 1. Subdivision 4 of section 27-2701 of the environmental  
2 conservation law, as added by chapter 641 of the laws of 2008, is  
3 amended and four new subdivisions 8, 9, 10 and 11 are added to read as  
4 follows:

5 4. "Plastic carryout bag" means a [~~plastic carryout~~] bag made predomi-  
6 nantly of any type of plastic which is provided by a store to a customer  
7 at the point of sale, but does not include reusable bags, produce bags,  
8 or product bags as defined in this section.

9 8. "Grocery store" means a retail establishment where produce, meats  
10 or other food items are regularly and customarily sold for consumption  
11 off the premises.

12 9. "Produce bag" or "product bag" means any bag without handles used  
13 exclusively to carry produce, meats, or other food items to the point of  
14 sale inside a store or to prevent such food items from coming into  
15 direct contact with other purchased items.

16 10. "Recyclable" means material that can be sorted, cleansed, and  
17 reconstituted using available recycling collection programs for the  
18 purpose of using the material in the manufacture of a new product.  
19 "Recycling" does not include burning, incinerating, or otherwise ther-  
20 mally destroying solid waste.

21 11. "Recyclable paper carryout bag" means a paper bag that meets all  
22 of the following requirements: (a) is one hundred percent recyclable  
23 overall and contains a minimum of eighty percent recycled material; (b)  
24 displays the word "Recyclable" in a highly visible manner on the outside  
25 of the bag; and (c) has printed on the bag the name of the manufacturer,

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

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1 the location (country) where the bag was manufactured, and the percent-  
2 age of recycled material used.

3 § 2. The environmental conservation law is amended by adding a new  
4 section 27-2706 to read as follows:

5 § 27-2706. Prohibition of plastic bags.

6 1. No grocery store located in the state may distribute plastic carry-  
7 out bags as defined in section 27-2701 of this title.

8 2. Such prohibition shall apply to bags provided for the purpose of  
9 carrying away goods from the point of sale and shall not apply to  
10 produce bags or product bags as such terms are defined in section  
11 27-2701 of this title.

12 3. All grocery stores shall provide recyclable paper carryout bags, as  
13 defined in section 27-2701 of this title, at the point of sale and at a  
14 charge of ten cents to the customer. In addition to recyclable paper  
15 carryout bags, grocery stores may offer bags which are biodegradable or  
16 compostable. Grocery stores may also provide reusable plastic bags when  
17 the customer pays a deposit for the use of such bags which shall be  
18 returned to the customer upon the return of the bags to the store.

19 4. Nothing in this section shall be read to preclude any establishment  
20 from making reusable bags, as defined in section 27-2701 of this title,  
21 available to customers by sale or otherwise.

22 5. Nothing in this section shall be read to preclude any establishment  
23 from providing produce bags or product bags, as defined in section  
24 27-2701 of this title, to their customers.

25 6. Nothing in this section shall prohibit customers from using bags of  
26 any type that they bring to the store themselves or from carrying away  
27 goods that are not placed in a bag, in lieu of using bags provided by  
28 the store.

29 § 3. This act shall take effect on the first of January next succeed-  
30 ing the date on which it shall have become a law. Effective immediate-  
31 ly, the addition and/or repeal of any rule or regulation necessary for  
32 the implementation of this act on its effective date are authorized and  
33 directed to be made and completed on or before such effective date.