

# STATE OF NEW YORK

7662

2019-2020 Regular Sessions

## IN ASSEMBLY

May 14, 2019

Introduced by M. of A. ENGLEBRIGHT, SIMON, EPSTEIN, COOK, MOSLEY, STECK, D'URSO, AUBRY, JAFFEE -- Multi-Sponsored by -- M. of A. SAYEGH -- read once and referred 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:

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

3 TITLE 30

4 SMALL BOTTLE PERSONAL CARE PRODUCT RESTRICTIONS

5 Section 27-3001. Definitions.

6 27-3003. Small bottle personal care products.

7 27-3005. Violations.

8 27-3007. Preemption of local law.

9 § 27-3001. Definitions.

10 As used in this title:

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

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

19 3. "Plastic" means any various organic compounds produced by polymeri-  
20 zation, capable of being molded, extruded, cast into various shapes and  
21 films, or drawn into filaments.

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

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

4 § 27-3003. Small bottle personal care products.

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

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

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

14 § 27-3005. Violations.

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

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

27 § 27-3007. Preemption of local law.

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

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

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

1 70-0117 of the environmental conservation law, all moneys collected  
2 pursuant to title thirty-three of article fifteen of the environmental  
3 conservation law, beginning with the fiscal year commencing on April  
4 first, two thousand thirteen, nineteen million dollars, and all fiscal  
5 years thereafter, twenty-three million dollars plus all funds received  
6 by the state each fiscal year in excess of the greater of the amount  
7 received from April first, two thousand twelve through March thirty-  
8 first, two thousand thirteen or one hundred twenty-two million two  
9 hundred thousand dollars, from the payments collected pursuant to subdi-  
10 vision four of section 27-1012 of the environmental conservation law and  
11 all funds collected pursuant to section 27-1015 of the environmental  
12 conservation law, all moneys required to be deposited pursuant to  
13 section 27-3005 of the environmental conservation law, and all other  
14 moneys credited or transferred thereto from any other fund or source  
15 pursuant to law. All such revenue shall be initially deposited into the  
16 environmental protection fund, for application as provided in subdivi-  
17 sion five of this section.

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

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

1 sections 27-2805 and 27-2807 of the environmental conservation law, all  
2 moneys required to be deposited pursuant to section 27-3005 of the envi-  
3 ronmental conservation law, and all other moneys credited or transferred  
4 thereto from any other fund or source pursuant to law. All such revenue  
5 shall be initially deposited into the environmental protection fund, for  
6 application as provided in subdivision five of this section.

7 § 4. This act shall take effect January 1, 2022; provided, however,  
8 that the amendments to subdivision three of section ninety-two-s of the  
9 state finance law made by section three of this act shall take effect on  
10 the same date and in the same manner as section 4 of part H of chapter  
11 58 of the laws of 2019, takes effect.