

# STATE OF NEW YORK

7662--A

2019-2020 Regular Sessions

## IN ASSEMBLY

May 14, 2019

Introduced by M. of A. ENGLEBRIGHT, SIMON, EPSTEIN, COOK, MOSLEY, STECK, D'URSO, AUBRY, JAFFEE, ORTIZ, LIFTON, NIOU, SEAWRIGHT, FAHY -- Multi-Sponsored by -- M. of A. SAYEGH -- read once and referred to the Committee on Environmental Conservation -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

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.

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

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

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

7 § 27-3003. Small bottle personal care products.

8 1. Effective January first, two thousand twenty-three for all hotels  
9 with fifty rooms or more and January first, two thousand twenty-four for  
10 all hotels with less than fifty rooms, a hotel shall not provide a small  
11 plastic bottle containing a personal care product to a person staying in  
12 a sleeping room accommodation, in any space within the sleeping room  
13 accommodation, or in an area in the hotel that is shared by the public  
14 or guests, including but not limited to, the public lavatories and wash-  
15 rooms of such hotel.

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

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

20 § 27-3005. Violations.

21 1. A hotel that violates a provision of this title shall receive a  
22 warning notice for the first such violation, detailing the hotel's  
23 requirement to correct the violation within thirty days from the date  
24 the notice is sent. A hotel shall be liable to the state for a civil  
25 penalty of two hundred fifty dollars for the first violation after  
26 receiving a warning and failing to correct the violation within thirty  
27 days and five hundred dollars for any subsequent violation in the same  
28 calendar year. A hearing or opportunity to be heard shall be provided  
29 prior to the assessment of any civil penalty.

30 2. The department, the department of health, and the attorney general  
31 are hereby authorized to enforce the provisions of this title and all  
32 moneys collected shall be deposited to the credit of the environmental  
33 protection fund established pursuant to section ninety-two-s of the  
34 state finance law.

35 § 27-3007. Preemption of local law.

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

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

41 3. Such fund shall consist of the amount of revenue collected within  
42 the state from the amount of revenue, interest and penalties deposited  
43 pursuant to section fourteen hundred twenty-one of the tax law, the  
44 amount of fees and penalties received from easements or leases pursuant  
45 to subdivision fourteen of section seventy-five of the public lands law  
46 and the money received as annual service charges pursuant to section  
47 four hundred four-n of the vehicle and traffic law, all moneys required  
48 to be deposited therein from the contingency reserve fund pursuant to  
49 section two hundred ninety-four of chapter fifty-seven of the laws of  
50 nineteen hundred ninety-three, all moneys required to be deposited  
51 pursuant to section thirteen of chapter six hundred ten of the laws of  
52 nineteen hundred ninety-three, repayments of loans made pursuant to  
53 section 54-0511 of the environmental conservation law, all moneys to be  
54 deposited from the Northville settlement pursuant to section one hundred  
55 twenty-four of chapter three hundred nine of the laws of nineteen  
56 hundred ninety-six, provided however, that such moneys shall only be

1 used for the cost of the purchase of private lands in the core area of  
2 the central Suffolk pine barrens pursuant to a consent order with the  
3 Northville industries signed on October thirteenth, nineteen hundred  
4 ninety-four and the related resource restoration and replacement plan,  
5 the amount of penalties required to be deposited therein by section  
6 71-2724 of the environmental conservation law, all moneys required to be  
7 deposited pursuant to article thirty-three of the environmental conser-  
8 vation law, all fees collected pursuant to subdivision eight of section  
9 70-0117 of the environmental conservation law, all moneys collected  
10 pursuant to title thirty-three of article fifteen of the environmental  
11 conservation law, beginning with the fiscal year commencing on April  
12 first, two thousand thirteen, nineteen million dollars, and all fiscal  
13 years thereafter, twenty-three million dollars plus all funds received  
14 by the state each fiscal year in excess of the greater of the amount  
15 received from April first, two thousand twelve through March thirty-  
16 first, two thousand thirteen or one hundred twenty-two million two  
17 hundred thousand dollars, from the payments collected pursuant to subdi-  
18 vision four of section 27-1012 of the environmental conservation law and  
19 all funds collected pursuant to section 27-1015 of the environmental  
20 conservation law, all moneys required to be deposited pursuant to  
21 section 27-3005 of the environmental conservation law, and all other  
22 moneys credited or transferred thereto from any other fund or source  
23 pursuant to law. All such revenue shall be initially deposited into the  
24 environmental protection fund, for application as provided in subdivi-  
25 sion five of this section.

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

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

1 years thereafter, twenty-three million dollars plus all funds received  
2 by the state each fiscal year in excess of the greater of the amount  
3 received from April first, two thousand twelve through March thirty-  
4 first, two thousand thirteen or one hundred twenty-two million two  
5 hundred thousand dollars, from the payments collected pursuant to subdivi-  
6 sion four of section 27-1012 of the environmental conservation law and  
7 all funds collected pursuant to section 27-1015 of the environmental  
8 conservation law, all moneys required to be deposited pursuant to  
9 sections 27-2805 and 27-2807 of the environmental conservation law, all  
10 moneys required to be deposited pursuant to section 27-3005 of the envi-  
11 ronmental conservation law, and all other moneys credited or transferred  
12 thereto from any other fund or source pursuant to law. All such revenue  
13 shall be initially deposited into the environmental protection fund, for  
14 application as provided in subdivision five of this section.

15 § 4. This act shall take effect January 1, 2023; provided, however,  
16 that the amendments to subdivision three of section ninety-two-s of the  
17 state finance law made by section three of this act shall take effect on  
18 the same date and in the same manner as section 4 of part H of chapter  
19 58 of the laws of 2019, takes effect.