

# STATE OF NEW YORK

7662--B

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, THIELE, ABINANTI, GOTTFRIED, GALEF, DE LA ROSA, BARRON, L. ROSENTHAL, WEPRIN, GRIFFIN, WOERNER, SIMOTAS -- 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 -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 plastic bottle hospitality 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 31 to read as follows:

3 TITLE 31

4 SMALL PLASTIC BOTTLE HOSPITALITY PERSONAL CARE PRODUCT RESTRICTIONS

5 Section 27-3101. Definitions.

6 27-3103. Small plastic bottle hospitality personal care  
7 products.

8 27-3105. Violations.

9 27-3107. Preemption of local law.

10 § 27-3101. Definitions.

11 As used in this title:

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

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

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1 2. "Hospitality personal care product" means a product provided by a  
 2 hotel and intended to be applied to or used on the human body or any  
 3 part thereof for cleansing, conditioning, or moisturizing. Hospitality  
 4 personal care product includes, but is not limited to, shampoo, condi-  
 5 tioner, lotion, and liquid soap.

6 3. "Small plastic bottle" means a plastic container with less than a  
 7 twelve ounce capacity that is intended to be non-reusable by the end  
 8 user.

9 § 27-3103. Small plastic bottle hospitality personal care products.

10 Effective January first, two thousand twenty-three for all hotels with  
 11 fifty rooms or more and January first, two thousand twenty-four for all  
 12 hotels with less than fifty rooms, a hotel shall not provide any small  
 13 plastic bottle containing a hospitality personal care product.

14 § 27-3105. Violations.

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

24 2. The department is hereby authorized to enforce the provisions of  
 25 this title and all monies collected shall be deposited to the credit of  
 26 the environmental protection fund established pursuant to section nine-  
 27 ty-two-s of the state finance law.

28 § 27-3107. Preemption of local law.

29 Jurisdiction in all matters pertaining to restrictions on the  
 30 provision of small plastic bottle hospitality personal care products is  
 31 vested exclusively in the state.

32 § 2. Subdivision 3 of section 92-s of the state finance law, as  
 33 amended by section 3 of part PP of chapter 58 of the laws of 2020, is  
 34 amended to read as follows:

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

1 deposited pursuant to article thirty-three of the environmental conser-  
2 vation law, all fees collected pursuant to subdivision eight of section  
3 70-0117 of the environmental conservation law, all moneys collected  
4 pursuant to title thirty-three of article fifteen of the environmental  
5 conservation law, beginning with the fiscal year commencing on April  
6 first, two thousand thirteen, nineteen million dollars, and all fiscal  
7 years thereafter, twenty-three million dollars plus all funds received  
8 by the state each fiscal year in excess of the greater of the amount  
9 received from April first, two thousand twelve through March thirty-  
10 first, two thousand thirteen or one hundred twenty-two million two  
11 hundred thousand dollars, from the payments collected pursuant to subdi-  
12 vision four of section 27-1012 of the environmental conservation law and  
13 all funds collected pursuant to section 27-1015 of the environmental  
14 conservation law, all moneys required to be deposited pursuant to  
15 sections 27-2805 and 27-2807 of the environmental conservation law, all  
16 moneys collected pursuant to section 71-2730 of the environmental  
17 conservation law, all moneys required to be deposited pursuant to  
18 section 27-3105 of the environmental conservation law, and all other  
19 moneys credited or transferred thereto from any other fund or source  
20 pursuant to law. All such revenue shall be initially deposited into the  
21 environmental protection fund, for application as provided in subdivi-  
22 sion five of this section.

23 § 3. This act shall take effect January 1, 2023.