# STATE OF NEW YORK

1563

2019-2020 Regular Sessions

# IN SENATE

January 15, 2019

Introduced by Sen. JACOBS -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to exempting not-for-profit organizations from the requirements for labeling of collection bins

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Subdivision 3 of section 399-bbb of the general business law, as amended by chapter 524 of the laws of 2015, is amended to read as follows:

3. Any person, business, [~~not-for-profit organization~~] or other entity or entities, or an agent or agents, whether paid or not paid, of such person, business, [~~not-for-profit organization~~] or other entity, who places a publicly accessible collection bin in a public place on private property shall affix to the publicly accessible collection bin a label that is designed to be incapable of being destroyed or removed and that clearly and conspicuously displays in at least twenty-four point type unless otherwise specified in this section and on the front of the publicly accessible collection bin in a manner that is readily visible to an individual placing property in the publicly accessible collection bin the following:

(a) the name of the person, business, not-for-profit organization or other entity which owns the publicly accessible collection bin and any agent thereof; the legal address, telephone number, e-mail address and website, if applicable, of such person, business, [~~not-for-profit organization~~] or other entity and any agent thereof where the owner of the publicly accessible collection bin or its agent can be reached during ordinary business hours; any permit or license required by local law of such person, business, [~~not-for-profit organization~~] or other entity and any agent thereof; a statement that nothing shall be left outside of such bin; and a statement that shall take the following form: For more

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

LBD05813-01-9

information, contact the department of law at (insert the current telephone number established by the department of law for receiving inquiries from consumers) or (insert the current address of the website of the department of law). If more than one person, business, [~~not-for-profit organization~~] or other entity own the publicly accessible collection bin, all of the owners' names, legal addresses, telephone numbers and any permits or licenses required by local law of such owners shall be included in the disclosure label. If more than one agent represents an owner of the publicly accessible collection bin, [~~including a for-profit entity,~~] on behalf of, or in conjunction with a not-for-profit organization, all of the agents' names, legal addresses, telephone numbers and any permits or licenses required by local law of such owners shall be included in the disclosure label; and

(b) a statement about the purpose or purposes for the property collected in the bin using letters no less than two inches in height as follows:

[~~(i) if all of the property placed in the publicly accessible collection bin is directed to a non-business purpose or purposes as described in paragraph (b) of section two hundred one of the not-for-profit corporation law or, if the property is sold and all proceeds of such sale are directed to a non-business purpose or purposes described in paragraph (b) of section two hundred one of the not-for-profit corporation law, the label affixed to the publicly accessible collection bin pursuant to this section shall state:~~

~~DONATED ITEMS WILL BE USED FOR CHARITABLE PURPOSES~~

~~The value of items placed in this bin is tax-deductible.~~

~~or~~

~~(ii)~~] if any of the property placed in the publicly accessible collection bin is not directed to a non-business purpose or purposes as described in paragraph (b) of section two hundred one of the not-for-profit corporation law, or if the property is sold, and any proceeds of such sale are not directed to a non-business purpose or purposes described in paragraph (b) of section two hundred one of the not-for-profit corporation law, the label affixed to the publicly accessible collection bin pursuant to this section shall state:

DONATED ITEMS WILL BE USED FOR PROFIT

The value of items placed in this bin is NOT tax-deductible.

(c) [~~for collection bins owned by a not-for-profit organization, a statement describing the charitable causes that will benefit from donations; and~~

~~(d)~~] collection bins operated by corporate fundraisers or any entity placing and operating collection bins for the benefit of another for-profit entity or not-for-profit entity shall abide by the requirements of the above and any additional guidelines and labeling requirements under state or local law as applicable**; and**

**(d) collection bins owned by a not-for-profit organization shall be exempt from the provisions of this subdivision**.

§ 2. This act shall take effect immediately.