STATE OF NEW YORK

4360

2019-2020 Regular Sessions

IN SENATE

March 11, 2019

Introduced by Sen. SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the penal law, in relation to the improper disposal of bodily fluids

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

Section 1. Section 1220 of the vehicle and traffic law, subdivision (b-1) as added by chapter 366 of the laws of 1978 and subdivision (c) as amended by chapter 418 of the laws of 2007, is amended to read as follows:

§ 1220. Throwing refuse on highways and adjacent lands prohibited. (a) **(i)** No person shall throw, dump, deposit or place, or cause to be thrown, dumped, deposited or placed upon any highway, or within the limits of the right of way of such highway, or upon private lands adjacent thereto, any refuse, trash, garbage, rubbish, litter or any nauseous or offensive matter.

(ii) A violation of the provisions of this subdivision shall be punishable by a fine not to exceed three hundred fifty dollars and/or a requirement to perform services for a public or not-for-profit corporation, association, institution or agency not to exceed ten hours and for any second or subsequent violation by a fine not to exceed seven hundred dollars and/or a requirement to perform services for a public or not-for-profit corporation, association, institution or agency not to exceed fifteen hours.

(b) **(i) No person shall throw, dump, deposit or place, or cause to be thrown, dumped, deposited or placed upon any highway, or within the limits of the right of way of such highway, or upon private lands adjacent thereto, any container containing bodily fluids.**

(ii) A violation of the provisions of this subdivision shall be punishable by:

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

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(A) imprisonment of not more than nine months and/or a fine not to exceed one thousand dollars; or

(B) a requirement to perform services for a public or not-for-profit corporation, association, institution or agency not to exceed forty hours shall be spent cleaning litter debris from public roads, parks and other public areas or facilities.

(c) Nothing herein contained shall be construed as prohibiting the use in a reasonable manner of ashes, sand, salt or other material for the purpose of reducing the hazard of, or providing traction on snow, ice or sleet.

[~~**(b-1)**~~] **(d)** Nothing herein contained shall be construed as prohibiting the use of any highway or private lands adjacent thereto for the transport or transit of agricultural trucks, machines or implements or dairy or domestic animals or agricultural stock with any accompanying reasonable or unavoidable deposit of nauseous or offensive matter.

[~~**(c) A violation of the provisions of subdivision (a) of this section shall be punishable by a fine not to exceed three hundred fifty dollars and/or a requirement to perform services for a public or not-for-profit corporation, association, institution or agency not to exceed ten hours and for any second or subsequent violation by a fine not to exceed seven hundred dollars and/or a requirement to perform services for a public or not-for-profit corporation, association, institution or agency not to exceed fifteen hours.**~~]

§ 2. The penal law is amended by adding a new section 145.80 to read as follows:

§ 145.80 Improper disposal of bodily fluids.

A person is guilty of improper disposal of bodily fluids when a person throws, dumps, deposits or places, or causes to be thrown, dumped, deposited or placed into any public trash or recycling receptacle, any container containing bodily fluids. The provisions of this section shall not apply to the disposal of diapers not otherwise prohibited by any other provision of law.

Improper disposal of bodily fluids is a class A misdemeanor.

§ 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.