

STATE OF NEW YORK

5085

2019-2020 Regular Sessions

IN SENATE

April 8, 2019

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the redemption of empty beverage containers

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

1 Section 1. Subdivision 7 of section 27-1007 of the environmental
2 conservation law, as added by section 4 of part SS of chapter 59 of the
3 laws of 2009, is amended to read as follows:

4 7. A deposit initiator on a brand shall accept from a distributor who
5 does not initiate deposits on that brand any empty beverage containers
6 of that brand accepted by the distributor from a dealer or operator of a
7 redemption center and shall reimburse the distributor the refund value
8 of each such beverage container, as established by section 27-1005 of
9 this title. A distributor may reimburse the refund value to each dealer
10 or redemption center in the form of either cash on delivery or credit
11 for immediate use for filled beverage containers. However, if a dealer's
12 yearly purchases from a distributor are equal to or greater than one
13 hundred thousand cases, then a distributor must make such reimbursements
14 to that dealer in the form of either cash on delivery or credit for
15 immediate use for filled beverage containers. In addition, the deposit
16 initiator shall reimburse such distributor for each such beverage
17 container the handling fee established under subdivision six of this
18 section. Without limiting the rights of the department or any person,
19 firm or corporation under this subdivision or any other provision of
20 this section, a distributor shall have a civil right of action to
21 enforce this subdivision, including, upon three days notice, the right
22 to apply for temporary and preliminary injunctive relief against contin-
23 uing violations, and until arrangements for collection and return of
24 empty containers or reimbursement of such distributor for such deposits
25 and handling fees are made.

26 § 2. This act shall take effect immediately.

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

LBD07004-01-9