

STATE OF NEW YORK

860

2019-2020 Regular Sessions

IN SENATE

January 9, 2019

Introduced by Sen. GALLIVAN -- 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 mandatory acceptance of empty beverage containers

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

Section 1. Paragraph (a) of subdivision 1 and subdivision 2 of section 27-1007 of the environmental conservation law, as added by section 4 of part SS of chapter 59 of the laws of 2009, are amended to read as follows:

(a) A dealer shall accept at his or her place of business, provided that such place of business is not less than two thousand square feet or such place of business is not less than five thousand square feet when licensed under article twenty-C of the agriculture and markets law and that such place of business is not located in a city with a population of one million or more, from a redeemer any empty beverage containers of the design, shape, size, color, composition and brand sold or offered for sale by the dealer, and shall pay to the redeemer the refund value of each such beverage container as established in section 27-1005 of this title. Redemptions of refund value must be in legal tender, or a scrip or receipt from a reverse vending machine, provided that the scrip or receipt can be exchanged for legal tender for a period of not less than sixty days without requiring the purchase of other goods. The use or presence of a reverse vending machine shall not relieve a dealer of any obligations imposed pursuant to this section. If a dealer utilizes a reverse vending machine to redeem containers, the dealer shall provide redemption of beverage containers when the reverse vending machine is full, broken, under repair or does not accept a type of beverage container sold or offered for sale by such dealer and may not limit the hours or days of redemption except as provided by subdivision three of this section.

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

LBD02811-02-9

1 2. A dealer shall post a conspicuous sign, at the point of sale, that
2 states:

3 "NEW YORK BOTTLE BILL OF RIGHTS

4 STATE LAW REQUIRES US TO REDEEM EMPTY RETURNABLE BEVERAGE CONTAINERS OF
5 THE SAME TYPE AND BRAND THAT WE SELL OR OFFER FOR SALE

6 YOU HAVE CERTAIN RIGHTS UNDER THE NEW YORK STATE RETURNABLE CONTAINER
7 ACT:

8 THE RIGHT to return your empties for refund to any dealer who sells
9 the same brand, type and size, whether you bought the beverage from the
10 dealer or not, provided such dealer's place of business is larger than
11 two thousand square feet or such dealer's place of business is larger
12 than five thousand square feet when licensed under article twenty-C of
13 the agriculture and markets law and that such place of business is not
14 located in a city with a population of one million or more. It is ille-
15 gal to return containers for refund that you did not pay a deposit on in
16 New York state.

17 THE RIGHT to get your deposit refund in cash, without proof of
18 purchase.

19 THE RIGHT to return your empties any day, any hour, except for the
20 first and last hour of the dealer's business day (empty containers may
21 be redeemed at any time in 24-hour stores).

22 THE RIGHT to return your containers if they are empty and intact.
23 Washing containers is not required by law, but is strongly recommended
24 to maintain sanitary conditions.

25 The New York state returnable container act can be enforced by the New
26 York state department of environmental conservation, the New York state
27 department of agriculture and markets, the New York state department of
28 taxation and finance, the New York state attorney general and/or by your
29 local government."

30 Such sign must be no less than eight inches by ten inches in size and
31 have lettering a minimum of one quarter inch high, and of a color which
32 contrasts with the background. The department shall maintain a toll free
33 telephone number for a "bottle bill complaint line" that shall be avail-
34 able from 9:00 a.m. to 5:00 p.m. each business day to receive reports of
35 violations of this title. The telephone number shall be listed on any
36 sign required by this section.

37 § 2. This act shall take effect immediately.