STATE OF NEW YORK

10661

IN ASSEMBLY

August 12, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Epstein) -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to prohibiting the distribution of plastic garment bags

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

Section 1. Subdivisions 1 and 4 of section 27-2801 of the environmental conservation law, as added by section 2 of part H of chapter 58 of the laws of 2019, are amended to read as follows:

1. "Exempt bag" means a bag: (a) used solely to contain or wrap uncooked meat, fish, or poultry; (b) bags used by a customer solely to package bulk items such as fruits, vegetables, grains, or candy; (c) bags used solely to contain food sliced or prepared to order; (d) bags used solely to contain a newspaper for delivery to a subscriber; (e) bags sold in bulk to a consumer at the point of sale; (f) trash bags; (g) food storage bags; (h) [~~garment bags; (i)~~] bags prepackaged for sale to a customer; [~~(j)~~] **(i)** plastic carryout bags provided by a restaurant, tavern or similar food service establishment, as defined in the state sanitary code, to carryout or deliver food; or [~~(k)~~] **(j)** bags provided by a pharmacy to carry prescription drugs.

4. "Reusable bag" means a bag: (a) made of cloth or other machine washable fabric [~~that has~~] **with or without** handles; or (b) a durable bag with **or without** handles that is specifically designed and manufactured for multiple reuse.

§ 2. Subdivision 1 of section 27-2803 of the environmental conservation law, as added by section 2 of part H of chapter 58 of the laws of 2019, is amended to read as follows:

1. No person required to collect tax shall distribute any plastic carryout bags to its customers unless such bags are exempt bags as defined in subdivision one of section 27-2801 of this title**; provided, however, after the effective date of the chapter of the laws of two thousand twenty-two that amended this subdivision, a retailer may use and a manufacturer may sell its current inventory of plastic garment**

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

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bags until such bags are out of stock. No retailer shall import any plastic garment bag from out of state.

§ 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.