

STATE OF NEW YORK

3194

2021-2022 Regular Sessions

IN ASSEMBLY

January 22, 2021

Introduced by M. of A. FAHY, ENGLEBRIGHT, GLICK, STECK, BARRETT, SIMON
-- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to prohibiting the sale or manufacture of single-use plastic water bottles comprised of less than one hundred percent recycled materials; and to amend the public health law, in relation to requiring food service establishments to provide tap water to customers in reusable beverage containers, upon request

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

1 Section 1. Article 27 of the environmental conservation law is amended
2 by adding a new title 32 to read as follows:

3 TITLE 32

4 PLASTIC WATER BOTTLES

5 Section 27-3201. Infrastructure assessment.

6 27-3203. State funds for single-use plastic water bottles.

7 27-3205. Single-use plastic water bottles comprised of one
8 hundred percent recycled material.

9 27-3207. Enforcement.

10 § 27-3201. Infrastructure assessment.

11 1. The commissioner, in consultation with the commissioner of health,
12 is hereby authorized and directed to conduct a study relating to
13 single-use plastic water bottles, including but not limited to:

14 (a) the availability and distribution of public drinking water filling
15 stations and water fountains across the state; and

16 (b) the environmental and public health impacts of single-use plastic
17 bottled water in New York state, including environmental justice
18 impacts.

19 2. The commissioner shall submit a report including recommendations
20 and findings based on this study to the governor, the temporary presi-

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

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1 dent of the senate, the speaker of the assembly and the chairs of the
2 senate and assembly standing committees on health and the chairs of the
3 senate and assembly standing committees on environmental conservation no
4 later than one year from the effective date of this section.

5 § 27-3203. State funds for single-use plastic water bottles.

6 Beginning one year from the effective date of this section, the use of
7 state funds for the purchase of single-use plastic water bottles shall
8 be prohibited. Water bottles, including those comprised of less than
9 one hundred percent recycled material, may be purchased when:

10 1. necessary to address health requirements under the following emer-
11 gencies:

12 (a) a state of emergency has been declared;

13 (b) a boil water advisory has been issued;

14 (c) access to drinking water is being impeded due to a failure of
15 related infrastructure or an ongoing water infrastructure improvement
16 project;

17 (d) a water utility has reported emergency conditions or other public
18 health hazards; or

19 (e) there has been an exceedance of a maximum contaminant level or
20 advisory level for a contaminant or an emerging contaminant; and

21 2. compliance with this title would conflict with contract require-
22 ments in existence as of the effective date of this title.

23 § 27-3205. Single-use plastic water bottles comprised of one hundred
24 percent recycled material.

25 1. Beginning four years from the effective date of this section, no
26 person, firm, partnership, association, limited liability company or
27 corporation shall manufacture, sell, or offer for sale any single-use
28 plastic water bottles to any person in the state unless such water
29 bottles are comprised of one hundred percent recycled materials.

30 2. A person, firm, partnership, association, limited liability company
31 or corporation which manufactures or sells single-use plastic water
32 bottles may apply to the department for a one-year waiver from the
33 requirements of this section, upon such proof that such person or entity
34 is unable to comply with the requirements of this section. Thereafter,
35 such person or entity may apply for additional one-year waivers upon the
36 satisfaction of such similar proof.

37 3. The requirements of this section shall be suspended in any county,
38 city, town or village where:

39 (a) a state of emergency has been declared;

40 (b) a boil water advisory has been issued;

41 (c) access to drinking water is being impeded due to a failure of
42 related infrastructure or an ongoing water infrastructure improvement
43 project;

44 (d) a water utility has reported emergency conditions or other public
45 health hazards; or

46 (e) there has been an exceedance of a maximum contaminant level or
47 advisory level for a contaminant or an emerging contaminant.

48 § 27-3207. Enforcement.

49 Any person or entity who violates section 27-3205 of this title shall
50 be liable for a civil penalty in the amount of one hundred dollars for
51 the first violation, two hundred dollars for the second violation
52 committed on a different day within a period of twelve months, and four
53 hundred dollars for the third and each subsequent violation committed on
54 different days within a period of twelve months, except that the depart-
55 ment shall not issue a notice of violation, but shall issue a warning
56 and provide information on compliance with this title, for a first

1 violation that occurs prior to ten years from the effective date of this
2 title.

3 § 2. The public health law is amended by adding a new section 1352-f
4 to read as follows:

5 § 1352-f. Provision of tap water to customers. 1. For purposes of this
6 section, the following terms shall have the following meanings:

7 (a) "food service establishment" shall mean a public place engaged in
8 the preparation and service on the premises of food and to the general
9 public.

10 (b) "reusable beverage container" shall mean a bottle, mug, cup or
11 other container that is designed and manufactured to hold beverages and
12 is capable of multiple reuse.

13 2. All food service establishments in the state shall serve tap water
14 to customers, upon request, in a reusable beverage container provided by
15 the customer; provided that:

16 (a) such reusable beverage container is capable of and appropriate for
17 servicing such tap water, as determined based on the size, cleanliness,
18 material, and any other relevant factors, of the reusable beverage
19 container; and

20 (b) such tap water shall be dispensed in a manner that prevents
21 contact with, or contamination of, the food-contact surfaces of the
22 beverage dispensing equipment.

23 § 3. This act shall take effect one year after it shall have become a
24 law.