

# STATE OF NEW YORK

3310

2021-2022 Regular Sessions

## IN ASSEMBLY

January 22, 2021

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

AN ACT to amend the environmental conservation law, in relation to the  
sale of plastic trash bags

The People of the State of New York, represented in Senate and Assem-  
bly, 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:

### TITLE 32

#### REGULATION OF PLASTIC TRASH BAGS

##### Section 27-3201. Definitions.

27-3203. Regulation of the sale of plastic trash bags.

27-3205. Labeling requirements.

27-3207. Violations.

27-3209. Regulations.

##### § 27-3201. Definitions.

As used in this title:

12 1. "Manufacturer" shall mean any person, firm, association, partner-  
13 ship, or corporation, which makes plastic trash bags to be used in the  
14 disposal of waste.

15 2. "Plastic trash bag" shall mean a bag intended to hold, store, or  
16 transport materials meant to be discarded, composted, or recycled,  
17 including but not limited to garbage bags, composting bags, yard bags,  
18 can-liners, and recycling bags.

19 3. "Post-consumer material" shall mean those products or materials  
20 generated by a business or consumer which have served their intended end  
21 use as consumer items and which have been separated or diverted from the  
22 waste stream for the purposes of collection and recycling as a secondary  
23 material feedstock.

24 4. "Retailer" shall mean any person, firm or corporation that engages  
25 in the sale of plastic trash bags.

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

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1 § 27-3203. Regulation of the sale of plastic trash bags.

2 Every plastic trash bag offered for sale or sold by a retailer in this  
3 state shall contain, by weight, at least thirty percent recycled post-  
4 consumer material. The department may promulgate rules and regulations  
5 requiring a higher percentage of post-consumer material content for  
6 plastic trash bags.

7 § 27-3205. Labeling requirements.

8 Every package of plastic trash bags sold in this state shall be  
9 labeled by the manufacturer indicating the post-consumer material  
10 content of the plastic trash bags by weight.

11 § 27-3207. Violations.

12 1. Any retailer found to be in violation of this title shall receive a  
13 warning notice for the first violation. Any retailer found to subse-  
14 quently be in violation of this title shall be subject to a penalty of  
15 five hundred dollars per violation.

16 2. Any manufacturer found in violation of this title shall be subject  
17 to a penalty of five hundred dollars per violation.

18 3. No retailer shall be found in violation of this title if such  
19 retailer in good faith relies on the label as required by section  
20 27-3205 of this title.

21 § 27-3209. Regulations.

22 The department is authorized to promulgate any rules and regulations  
23 necessary to implement the provisions of this title.

24 § 2. This act shall take effect January 1, 2024.