STATE OF NEW YORK

5082

2021-2022 Regular Sessions

IN ASSEMBLY

February 10, 2021

Introduced by M. of A. ENGLEBRIGHT, SIMON, EPSTEIN, COOK, STECK, AUBRY, NIOU, SEAWRIGHT, FAHY, THIELE, ABINANTI, GOTTFRIED, GALEF, DE LA ROSA, BARRON, L. ROSENTHAL, WEPRIN, GRIFFIN, WOERNER, REYES, PAULIN -- Multi-Sponsored by -- M. of A. SAYEGH -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the state finance law, in relation to restricting hotels from making available to hotel guests small plastic bottle hospitality personal care products

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

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

TITLE 32

SMALL PLASTIC BOTTLE HOSPITALITY PERSONAL CARE PRODUCT RESTRICTIONS

Section 27-3201. Definitions.
27-3203. Small plastic bottle hospitality personal care products.
27-3205. Violations.
27-3207. Preemption of local law.

§ 27-3201. Definitions.

As used in this title:

1. "Hotel" means a building or portion of a building which is regularly used and kept open as such for the lodging of guests. Hotel includes an apartment hotel, a motel or a boarding house, whether or not meals are served.

2. "Hospitality personal care product" means a product provided by a hotel and intended to be applied to or used on the human body or any part thereof for cleansing, conditioning, or moisturizing. Hospitality personal care product includes, but is not limited to, shampoo, conditioner, lotion, and liquid soap.

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

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3. "Small plastic bottle" means a plastic container with less than a twelve ounce capacity that is intended to be non-reusable by the end user.

§ 27-3203. Small plastic bottle hospitality personal care products.

Effective January first, two thousand twenty-four for all hotels with fifty rooms or more and January first, two thousand twenty-five for all hotels with less than fifty rooms, a hotel shall not provide any small plastic bottle containing a hospitality personal care product.

§ 27-3205. Violations.

1. A hotel that violates a provision of this title shall receive a warning notice for the first such violation, detailing the hotel's requirement to correct the violation within thirty days from the date the notice is sent. A hotel shall be liable to the state for a civil penalty of two hundred fifty dollars for the first violation after receiving a warning and failing to correct the violation within thirty days and five hundred dollars for any subsequent violation in the same calendar year. A hearing or opportunity to be heard shall be provided prior to the assessment of any civil penalty.

2. The department is hereby authorized to enforce the provisions of this title and all monies collected shall be deposited to the credit of the environmental protection fund established pursuant to section ninety-two-s of the state finance law.

§ 27-3207. Preemption of local law.

Jurisdiction in all matters pertaining to restrictions on the provision of small plastic bottle hospitality personal care products is vested exclusively in the state.

§ 2. Subdivision 3 of section 92-s of the state finance law, as amended by section 3 of part PP of chapter 58 of the laws of 2020, is amended to read as follows:

3. Such fund shall consist of the amount of revenue collected within the state from the amount of revenue, interest and penalties deposited pursuant to section fourteen hundred twenty-one of the tax law, the amount of fees and penalties received from easements or leases pursuant to subdivision fourteen of section seventy-five of the public lands law and the money received as annual service charges pursuant to section four hundred four-n of the vehicle and traffic law, all moneys required to be deposited therein from the contingency reserve fund pursuant to section two hundred ninety-four of chapter fifty-seven of the laws of nineteen hundred ninety-three, all moneys required to be deposited pursuant to section thirteen of chapter six hundred ten of the laws of nineteen hundred ninety-three, repayments of loans made pursuant to section 54-0511 of the environmental conservation law, all moneys to be deposited from the Northville settlement pursuant to section one hundred twenty-four of chapter three hundred nine of the laws of nineteen hundred ninety-six, provided however, that such moneys shall only be used for the cost of the purchase of private lands in the core area of the central Suffolk pine barrens pursuant to a consent order with the Northville industries signed on October thirteenth, nineteen hundred ninety-four and the related resource restoration and replacement plan, the amount of penalties required to be deposited therein by section 71-2724 of the environmental conservation law, all moneys required to be deposited pursuant to article thirty-three of the environmental conservation law, all fees collected pursuant to subdivision eight of section 70-0117 of the environmental conservation law, all moneys collected pursuant to title thirty-three of article fifteen of the environmental conservation law, beginning with the fiscal year commencing on April

first, two thousand thirteen, nineteen million dollars, and all fiscal years thereafter, twenty-three million dollars plus all funds received by the state each fiscal year in excess of the greater of the amount received from April first, two thousand twelve through March thirty-first, two thousand thirteen or one hundred twenty-two million two hundred thousand dollars, from the payments collected pursuant to subdivision four of section 27-1012 of the environmental conservation law and all funds collected pursuant to section 27-1015 of the environmental conservation law, all moneys required to be deposited pursuant to sections 27-2805 and 27-2807 of the environmental conservation law, all moneys collected pursuant to section 71-2730 of the environmental conservation law**, all moneys required to be deposited pursuant to section 27-3205 of the environmental conservation law**, and all other moneys credited or transferred thereto from any other fund or source pursuant to law. All such revenue shall be initially deposited into the environmental protection fund, for application as provided in subdivision five of this section.

§ 3. This act shall take effect January 1, 2024.