STATE OF NEW YORK

771

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. KAMINSKY -- 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 banning paper receipts for certain purchases and requiring businesses to provide proof of purchases electronically

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 16 to read as follows:

TITLE 16

PAPER RECEIPT REDUCTION

Section 27-1601. Definitions.

27-1603. Paper receipt ban.

27-1605. Violations.

27-1607. Preemption of local law.

§ 27-1601. Definitions.

As used in this title:

1. "Business" means a company that accepts payment through credit or debit transactions. "Business" does not include a health care provider.

2. "Consumer" means a person who purchases, and does not offer for resale, food, alcohol, other tangible personal property, or services.

3. "Electronic form" includes, but is not limited to, a form sent through email or text message.

4. "Invoice" means an itemized list of goods or services provided before or after the point of sale through a contract stating the amount due.

5. "Proof of purchase" means a receipt for the retail sale of food, alcohol, or other tangible personal property, or for the provision of services, provided at the point of sale, but does not include an invoice.

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

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§ 27-1603. Paper receipt ban.

1. On and after January first, two thousand twenty-four, a proof of purchase shall be provided to a consumer by a business only at the consumer's option, unless a proof of purchase is otherwise required to be given to the consumer by state or federal law.

2. On and after January first, two thousand twenty-four, a paper proof of purchase shall not be printed if the consumer opts to not receive a proof of purchase, unless otherwise required by state or federal law.

3. (a) On and after January first, two thousand twenty-six, if a consumer opts to receive a proof of purchase pursuant to subdivision one of this section, the proof of purchase shall be provided in electronic form or paper form, at the consumer's option, unless a prescribed form is otherwise required by state or federal law.

(b) Notwithstanding paragraph (a) of this subdivision, a business is not required to provide an electronic proof of purchase if, due to limited internet connectivity, a power outage, or other unexpected technical difficulties, the business is incapable of sending an electronic proof of purchase.

§ 27-1605. Violations.

1. Any business who shall violate any provision of this title shall receive a warning notice for the first such violation. A business shall be liable to the state of New York for a civil penalty of twenty dollars for each violation after receiving a warning, but such penalties shall not to exceed three hundred dollars annually. A hearing or opportunity to be heard shall be provided prior to the assessment of any civil penalty.

2. The department and the attorney general are hereby authorized to enforce the provisions of this title.

§ 27-1607. Preemption of local law.

Jurisdiction in all matters pertaining to paper proof of purchase restrictions is vested exclusively in the state.

§ 2. This act shall take effect immediately.