

STATE OF NEW YORK

10662

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 and the state finance
law, in relation to banning the use of non-compostable produce stick-
ers

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 33 to read as follows:

TITLE 33

PRODUCE STICKERS

5 Section 27-3301. Non-compostable produce sticker ban.

6 27-3303. Violations.

7 § 27-3301. Non-compostable produce sticker ban.

8 1. Beginning January first, two thousand twenty-four, no person, firm
9 or corporation shall sell, offer for sale, or distribute any non-com-
10 postable produce stickers or any produce with such non-compostable
11 stickers in the state; provided, however, a person, firm or corporation
12 may use its current inventory of non-compostable stickers prior to such
13 date.

14 2. The department is authorized to promulgate any rules and regu-
15 lations as it shall deem necessary to implement the provisions of this
16 title.

17 § 27-3303. Violations.

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

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

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

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

8 3. Such fund shall consist of the amount of revenue collected within
9 the state from the amount of revenue, interest and penalties deposited
10 pursuant to section fourteen hundred twenty-one of the tax law, the
11 amount of fees and penalties received from easements or leases pursuant
12 to subdivision fourteen of section seventy-five of the public lands law
13 and the money received as annual service charges pursuant to section
14 four hundred four-n of the vehicle and traffic law, all moneys required
15 to be deposited therein from the contingency reserve fund pursuant to
16 section two hundred ninety-four of chapter fifty-seven of the laws of
17 nineteen hundred ninety-three, all moneys required to be deposited
18 pursuant to section thirteen of chapter six hundred ten of the laws of
19 nineteen hundred ninety-three, repayments of loans made pursuant to
20 section 54-0511 of the environmental conservation law, all moneys to be
21 deposited from the Northville settlement pursuant to section one hundred
22 twenty-four of chapter three hundred nine of the laws of nineteen
23 hundred ninety-six, provided however, that such moneys shall only be
24 used for the cost of the purchase of private lands in the core area of
25 the central Suffolk pine barrens pursuant to a consent order with the
26 Northville industries signed on October thirteenth, nineteen hundred
27 ninety-four and the related resource restoration and replacement plan,
28 the amount of penalties required to be deposited therein by section
29 71-2724 of the environmental conservation law, all moneys required to be
30 deposited pursuant to article thirty-three of the environmental conser-
31 vation law, all fees collected pursuant to subdivision eight of section
32 70-0117 of the environmental conservation law, all moneys collected
33 pursuant to title thirty-three of article fifteen of the environmental
34 conservation law, beginning with the fiscal year commencing on April
35 first, two thousand thirteen, nineteen million dollars, and all fiscal
36 years thereafter, twenty-three million dollars plus all funds received
37 by the state each fiscal year in excess of the greater of the amount
38 received from April first, two thousand twelve through March thirty-
39 first, two thousand thirteen or one hundred twenty-two million two
40 hundred thousand dollars, from the payments collected pursuant to subdi-
41 vision four of section 27-1012 of the environmental conservation law and
42 all funds collected pursuant to section 27-1015 of the environmental
43 conservation law, all moneys required to be deposited pursuant to
44 sections 27-2805 and 27-2807 of the environmental conservation law, all
45 moneys collected pursuant to section 71-2730 of the environmental
46 conservation law, all moneys required to be deposited pursuant to
47 section 27-3205 of the environmental conservation law, all moneys
48 required to be deposited pursuant to section 27-3303 of the environ-
49 mental conservation law, and all other moneys credited or transferred
50 thereto from any other fund or source pursuant to law. All such revenue
51 shall be initially deposited into the environmental protection fund, for
52 application as provided in subdivision five of this section.

53 § 3. Subdivision 3 of section 92-s of the state finance law, as
54 amended by chapter 734 of the laws of 2021, is amended to read as
55 follows:

1 3. Such fund shall consist of the amount of revenue collected within
2 the state from the amount of revenue, interest and penalties deposited
3 pursuant to section fourteen hundred twenty-one of the tax law, the
4 amount of fees and penalties received from easements or leases pursuant
5 to subdivision fourteen of section seventy-five of the public lands law
6 and the money received as annual service charges pursuant to section
7 four hundred four-n of the vehicle and traffic law, all moneys required
8 to be deposited therein from the contingency reserve fund pursuant to
9 section two hundred ninety-four of chapter fifty-seven of the laws of
10 nineteen hundred ninety-three, all moneys required to be deposited
11 pursuant to section thirteen of chapter six hundred ten of the laws of
12 nineteen hundred ninety-three, repayments of loans made pursuant to
13 section 54-0511 of the environmental conservation law, all moneys to be
14 deposited from the Northville settlement pursuant to section one hundred
15 twenty-four of chapter three hundred nine of the laws of nineteen
16 hundred ninety-six, provided however, that such moneys shall only be
17 used for the cost of the purchase of private lands in the core area of
18 the central Suffolk pine barrens pursuant to a consent order with the
19 Northville industries signed on October thirteenth, nineteen hundred
20 ninety-four and the related resource restoration and replacement plan,
21 the amount of penalties required to be deposited therein by section
22 71-2724 of the environmental conservation law, all moneys required to be
23 deposited pursuant to article thirty-three of the environmental conser-
24 vation law, all fees collected pursuant to subdivision eight of section
25 70-0117 of the environmental conservation law, all moneys collected
26 pursuant to title thirty-three of article fifteen of the environmental
27 conservation law, beginning with the fiscal year commencing on April
28 first, two thousand thirteen, nineteen million dollars, and all fiscal
29 years thereafter, twenty-three million dollars plus all funds received
30 by the state each fiscal year in excess of the greater of the amount
31 received from April first, two thousand twelve through March thirty-
32 first, two thousand thirteen or one hundred twenty-two million two
33 hundred thousand dollars, from the payments collected pursuant to subdi-
34 vision four of section 27-1012 of the environmental conservation law and
35 all funds collected pursuant to section 27-1015 of the environmental
36 conservation law, all moneys required to be deposited pursuant to
37 sections 27-2805 and 27-2807 of the environmental conservation law, all
38 moneys collected pursuant to section 71-2730 of the environmental
39 conservation law, all moneys required to be deposited pursuant to
40 section 27-3205 of the environmental conservation law, all moneys
41 required to be deposited pursuant to section 27-3303 of the environ-
42 mental conservation law, and all other moneys credited or transferred
43 thereto from any other fund or source pursuant to law. All such revenue
44 shall be initially deposited into the environmental protection fund, for
45 application as provided in subdivision five of this section.

46 § 4. This act shall take effect immediately; provided, however, that
47 if chapter 734 of the laws of 2021 shall not have taken effect on or
48 before such date then section three of this act shall take effect on the
49 same date and in the same manner as such chapter of the laws of 2021
50 takes effect.