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:

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

TITLE 32

PLASTIC WATER BOTTLES

Section 27-3201. Infrastructure assessment.

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

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

27-3207. Enforcement.

§ 27-3201. Infrastructure assessment.

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

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

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

2. The commissioner shall submit a report including recommendations 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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dent of the senate, the speaker of the assembly and the chairs of the senate and assembly standing committees on health and the chairs of the senate and assembly standing committees on environmental conservation no later than one year from the effective date of this section.

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

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

1. necessary to address health requirements under the following emergencies:

(a) a state of emergency has been declared;

(b) a boil water advisory has been issued;

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

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

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

2. compliance with this title would conflict with contract requirements in existence as of the effective date of this title.

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

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

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

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

(a) a state of emergency has been declared;

(b) a boil water advisory has been issued;

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

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

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

§ 27-3207. Enforcement.

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

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

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

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

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

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

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

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

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

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