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 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

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:

1. "Manufacturer" shall mean any person, firm, association, partnership, or corporation, which makes plastic trash bags to be used in the disposal of waste.

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

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

4. "Retailer" shall mean any person, firm or corporation that engages 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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§ 27-3203. Regulation of the sale of plastic trash bags.

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

§ 27-3205. Labeling requirements.

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

§ 27-3207. Violations.

1. Any retailer found to be in violation of this title shall receive a warning notice for the first violation. Any retailer found to subsequently be in violation of this title shall be subject to a penalty of five hundred dollars per violation.

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

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

§ 27-3209. Regulations.

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

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