STATE OF NEW YORK

6830

2021-2022 Regular Sessions

IN ASSEMBLY

April 12, 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 establishing a recycling program for containers of adult-use cannabis sold in New York, and requiring such containers to be made of at least fifty percent recycled materials

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

Section 1. Section 27-1001 of the environmental conservation law, as amended by section 1 of part SS of chapter 59 of the laws of 2009, is amended to read as follows:

§ 27-1001. Legislative findings.

The legislature hereby finds that litter composed of discarded beverage containers **and other single use containers** is a growing problem of state concern and a direct threat to the health and safety of the citizens of this state. Discarded beverage containers **and other single use containers** create a hazard to vehicular traffic, a source of physical injury to pedestrians and farm animals, a hazard to farm and other machinery and an unsightly accumulation of litter which must be disposed of at increasing public expense. Beverage containers **and other single use containers** also create an unnecessary addition to the state's and municipalities' already overburdened solid waste and refuse disposal systems. Unsegregated disposal of such containers creates an impediment to the efficient operation of resource recovery plants. Further, the legislature finds that the uninhibited discard of beverage containers **and other single use containers** constitutes a waste of both mineral and energy resources. The legislature hereby finds that requiring a deposit on all beverage containers **and single use cannabis containers**, along with certain other facilitating measures, will provide a necessary incentive for the economically efficient and environmentally benign collection and recycling of such containers.

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

LBD10541-01-1

§ 2. Subdivisions 4, 5-a, 6, 7, 8, 9 and 10 of section 27-1003, subdivisions 4, 7, 8 and 10 as added by chapter 200 of the laws of 1982, and subdivision 5-a as added and subdivisions 6 and 9 as amended by section 3 of part SS of chapter 59 of the laws of 2009, are amended and three new subdivisions 2-b, 14 and 15 are added to read as follows:

2-b. "Cannabis packager" means a person, firm or corporation who bottles, cans or otherwise packages cannabis in cannabis containers except that if such packaging is for any other person, firm or corporation having the right to bottle, can or otherwise package the same brand of cannabis, then such other person, firm or corporation shall be the cannabis packager.

4. "Dealer" means**:**

a. every person, firm or corporation who engages in the sale of beverages in beverage containers to a consumer for off premises consumption in this state**; or**

b. every person, firm or corporation licensed under the laws of this state to engage in the sale of cannabis to an adult for use in this state.

5-a. A "deposit initiator" for each beverage **or cannabis** container for which a refund value is established under section 27-1005 of this title means:

a. the bottler of the beverage in such container**, or the packager of cannabis in such container**;

b. the distributor of such container if such distributor's purchase of such container was not, directly or indirectly, from a registered deposit initiator;

c. a dealer of such container who sells or offers for sale such container in this state, whose purchase of such container was not, directly or indirectly, from a registered deposit initiator; or

d. an agent acting on behalf of a registered deposit initiator.

6. "Distributor" means**:**

a. any person, firm or corporation which engages in the sale or offer for sale of beverages in beverage containers to a dealer**; or**

b. any person, firm or corporation licensed under the laws of this state to engage in the wholesale sale of cannabis to dealers in this state.

7. "Place of business" means the location at which a dealer sells or offers for sale beverages in beverage containers **or cannabis in cannabis containers** to consumers.

8. "Redeemer" means every person who demands the refund value provided for herein in exchange for the empty beverage **or cannabis** container, but shall not include a dealer as defined in subdivision four of this section.

9. "Redemption center" means any person offering to pay the refund value of an empty beverage **or cannabis** container to a redeemer, or any person who contracts with one or more dealers or distributors to collect, sort and obtain the refund value and handling fee of empty beverage **or cannabis** containers for, or on behalf of, such dealer or distributor under the provisions of section 27-1013 of this title.

10. "Use or consumption" means the exercise of any right or power incident to the ownership of a beverage **or cannabis**, other than the sale or the keeping or retention of a beverage **or cannabis** for the purpose of sale.

14. "Cannabis" means all parts of the plant of the genus cannabis, which has been authorized for distribution and sale for adult-use in this state.

15. "Cannabis container" means the sealed glass, metal, aluminum, steel or plastic bottle, can or jar used for containing cannabis intended for adult-use in this state.

§ 3. Section 27-1005 of the environmental conservation law, as added by section 4 of part SS of chapter 59 of the laws of 2009, is amended to read as follows:

§ 27-1005. Refund value.

No person shall sell or offer for sale a beverage **or cannabis** container in this state unless the deposit on such beverage **or cannabis** container is or has been collected by a registered deposit initiator and unless such container has a refund value of not less than five cents which is clearly indicated thereon as provided in section **27-1010 or** 27-1011 of this title.

§ 4. Section 27-1007 of the environmental conservation law, as added by section 4 of part SS of chapter 59 of the laws of 2009, paragraph (b) of subdivision 1 as amended by chapter 459 of the laws of 2011, and subdivision 12 as added by section 3 of part F of chapter 58 of the laws of 2013, is amended to read as follows:

§ 27-1007. Mandatory acceptance.

Except as provided in section 27-1009 of this title:

1. (a) A dealer shall accept at his or her place of business from a redeemer any empty beverage **or cannabis** containers of the design, shape, size, color, composition and brand sold or offered for sale by the dealer, and shall pay to the redeemer the refund value of each such beverage **or cannabis** container as established in section 27-1005 of this title. Redemptions of refund value must be in legal tender, or a scrip or receipt from a reverse vending machine, provided that the scrip or receipt can be exchanged for legal tender for a period of not less than sixty days without requiring the purchase of other goods. The use or presence of a reverse vending machine shall not relieve a dealer of any obligations imposed pursuant to this section. If a dealer utilizes a reverse vending machine to redeem containers, the dealer shall provide redemption of beverage **or cannabis** containers when the reverse vending machine is full, broken, under repair or does not accept a type of beverage **or cannabis** container sold or offered for sale by such dealer and may not limit the hours or days of redemption except as provided by subdivision three of this section.

(b) Beginning March first, two thousand ten, a dealer **under paragraph a of subdivision four of section 27-1003 of this title** whose place of business is part of a chain engaged in the same general field of business which operates ten or more units in this state under common ownership and whose business has at least: (i) forty thousand but less than sixty thousand square feet devoted to the display of merchandise for sale to the public shall install and maintain at least two reverse vending machines at the dealer's place of business **for the collection of beverage containers**; (ii) sixty thousand but less than eighty-five thousand square feet devoted to the display of merchandise for sale to the public shall install and maintain at least three reverse vending machines **for the collection of beverage containers** at the dealer's place of business; or (iii) eighty-five thousand square feet devoted to the display of merchandise for sale to the public shall install and maintain at least four reverse vending machines **for the collection of beverage containers** at the dealer's place of business. The requirements of paragraph (b) of this subdivision to install and maintain reverse vending machines shall not apply to a dealer that: (i) sells only beverage containers of twenty ounces or less where such beverage containers are

packaged in quantities fewer than six; (ii) sells beverage containers and devotes no more than five percent of its floor space to the display and sale of consumer commodities, as defined in section two hundred fourteen-h of the agriculture and markets law; [~~or~~] (iii) obtains a waiver from the commissioner authorizing dealers to provide consumers with an alternative technology that: (A) determines if the container is redeemable, (B) provides protections against fraud through a system that validates each container redeemed by reading the universal product code and, except with respect to refillable containers, renders the container unredeemable, (C) accumulates information regarding containers redeemed, and (D) issues legal tender, or a scrip, receipt, or other form of credit for the refund value, that can be exchanged for legal tender for a period of not less than sixty days without requiring the purchase of other goods**; or (iv) is a dealer under paragraph b of subdivision four of section 27-1003 of this title**. Notwithstanding the foregoing, if the alternative technology does not allow consumers to immediately obtain the refund value of the redeemed container, a dealer shall be permitted to deploy such alternative technology only if it also offers an alternative that allows consumers to conveniently and immediately obtain such refund value through a reverse vending machine or other alternative method.

(c) A dealer to which paragraph (b) of this subdivision does not apply and whose place of business is at least forty thousand square feet which does not utilize reverse vending machines to process empty beverage **or cannabis** containers for redemption shall: (i) establish and maintain a dedicated area within such business to accept beverage **or cannabis** containers for redemption; (ii) adequately staff such area to facilitate efficient acceptance and processing of such containers during business hours; and (iii) post one or more conspicuous signs conforming to the size and color requirements described in subdivision two of this section at each public entrance to the business which describes where in the business the redemption area is located. The commissioner may establish in rules and regulations additional standards for the efficient processing of beverage **and cannabis** containers by such dealers.

(d) For the purposes of this subdivision on any day that a dealer is open for less than twenty-four hours, the dealer may restrict or refuse the payment of refund values during the first and last hour the dealer is open for business.

2. **a.** A dealer **under paragraph a of subdivision four of section 27-1003 of this title** shall post a conspicuous sign, at the point of sale, that states:

"NEW YORK BOTTLE BILL OF RIGHTS

STATE LAW REQUIRES US TO REDEEM EMPTY RETURNABLE BEVERAGE CONTAINERS OF THE SAME TYPE AND BRAND THAT WE SELL OR OFFER FOR SALE

YOU HAVE CERTAIN RIGHTS UNDER THE NEW YORK STATE RETURNABLE CONTAINER ACT:

THE RIGHT to return your empties for refund to any dealer who sells the same brand, type and size, whether you bought the beverage from the dealer or not. It is illegal to return containers for refund that you did not pay a deposit on in New York state.

THE RIGHT to get your deposit refund in cash, without proof of purchase.

THE RIGHT to return your empties any day, any hour, except for the first and last hour of the dealer's business day (empty containers may be redeemed at any time in 24-hour stores).

THE RIGHT to return your containers if they are empty and intact. Washing containers is not required by law, but is strongly recommended to maintain sanitary conditions.

The New York state returnable container act can be enforced by the New York state department of environmental conservation, the New York state department of agriculture and markets, the New York state department of taxation and finance, the New York state attorney general and/or by your local government."

Such sign must be no less than eight inches by ten inches in size and have lettering a minimum of one quarter inch high, and of a color which contrasts with the background. The department shall maintain a toll free telephone number for a "bottle bill complaint line" that shall be available from 9:00 a.m. to 5:00 p.m. each business day to receive reports of violations of this title. The telephone number shall be listed on any sign required by this section.

b. A dealer under paragraph b of subdivision four of section 27-1003 of this title shall post a conspicuous sign, at the point of sale, that states:

"NEW YORK CANNABIS CONTAINER BILL OF RIGHTS

STATE LAW REQUIRES US TO REDEEM EMPTY RETURNABLE CANNABIS CONTAINERS OF THE SAME TYPE AND BRAND THAT WE SELL OR OFFER FOR SALE

YOU HAVE CERTAIN RIGHTS UNDER THE NEW YORK STATE RETURNABLE CONTAINER ACT:

THE RIGHT to return your empties for refund to any dealer who sells the same brand, type and size, whether you bought the cannabis from the dealer or not. It is illegal to return containers for refund that you did not pay a deposit on in New York state.

THE RIGHT to get your deposit refund in cash, without proof of purchase.

THE RIGHT to return your empties any day, any hour, except for the first and last hour of the dealer's business day (empty containers may be redeemed at any time in 24-hour stores).

THE RIGHT to return your containers if they are empty and intact. Washing containers is not required by law, but is strongly recommended to maintain sanitary conditions.

The New York state returnable container act can be enforced by the New York state department of environmental conservation, the New York state department of agriculture and markets, the New York state department of taxation and finance, the New York state attorney general and/or by your local government."

Such sign must be no less than eight inches by ten inches in size and have lettering a minimum of one quarter inch high, and of a color which contrasts with the background. The department shall maintain a toll free telephone number for a "cannabis container return complaint line" that shall be available from 9:00 a.m. to 5:00 p.m. each business day to receive reports of violations of this title. The telephone number shall be listed on any sign required by this section.

3. On or after June first, two thousand nine, a dealer may limit the number of empty beverage **or cannabis** containers to be accepted for

redemption at the dealer's place of business to no less than seventy-two containers per visit, per redeemer, per day, provided that:

(a) The dealer has a written agreement with a redemption center, be it either at a fixed physical location within the same county and within one-half mile of the dealer's place of business, or a mobile redemption center, operated by a redemption center, that is located within one-quarter mile of the dealer's place of business. The redemption center must have a written agreement with the dealer to accept containers on behalf of the dealer; and the redemption center's hours of operation must cover at least 9:00 a.m. through 7:00 p.m. daily or in the case of a mobile redemption center, the hours of operation must cover at least four consecutive hours between 8:00 a.m. and 8:00 p.m. daily. The dealer must post a conspicuous, permanent sign, meeting the size and color specifications set forth in subdivision two of this section, open to public view, identifying the location and hours of operation of the affiliated redemption center or mobile redemption center; and

(b) The dealer provides, at a minimum, a consecutive two hour period between 7:00 a.m. and 7:00 p.m. daily whereby the dealer will accept up to two hundred forty containers, per redeemer, per day, and posts a conspicuous, permanent sign, meeting the size and color specifications set forth in subdivision two of this section, open to public view, identifying those hours. The dealer may not change the hours of redemption without first posting a thirty day notice; and

(c) The dealer's primary business is**:**

(i) the sale of food or beverages for consumption off-premises, and the dealer's place of business is less than ten thousand square feet in size**; or**

(ii) the sale of cannabis to adults for use in this state, as licensed or otherwise authorized to do so under the laws of this state.

4. A deposit initiator shall accept from a dealer or operator of a redemption center any empty beverage **or cannabis** container of the design, shape, size, color, composition and brand sold or offered for sale by the deposit initiator, and shall pay the dealer or operator of a redemption center the refund value of each such beverage **or cannabis** container as established by section 27-1005 of this title. A deposit initiator shall accept and redeem all such empty beverage **or cannabis** containers from a dealer or redemption center without limitation on quantity.

5. A deposit initiator's or distributor's failure to pick up empty beverage **or cannabis** containers, including containers processed in a reverse vending machine, from a redemption center, dealer or the operator of a reverse vending machine, shall be a violation of this title.

6. In addition to the refund value of a beverage **or cannabis** container as established by section 27-1005 of this title, a deposit initiator shall pay to any dealer or operator of a redemption center a handling fee of three and one-half cents for each beverage **or cannabis** container accepted by the deposit initiator from such dealer or operator of a redemption center. Payment of the handling fee shall be as compensation for collecting, sorting and packaging of empty beverage **or cannabis** containers for transport back to the deposit initiator or its designee. Payment of the handling fee may not be conditioned on the purchase of any goods or services, nor may such payment be made out of the refund value account established pursuant to section 27-1012 of this title. A distributor who does not initiate deposits on a type of beverage **or cannabis** container is considered a dealer only for the purpose of receiving a handling fee from a deposit initiator.

7. A deposit initiator on a brand shall accept from a distributor who does not initiate deposits on that brand any empty beverage **or cannabis** containers of that brand accepted by the distributor from a dealer or operator of a redemption center and shall reimburse the distributor the refund value of each such beverage **or cannabis** container, as established by section 27-1005 of this title. In addition, the deposit initiator shall reimburse such distributor for each such beverage **or cannabis** container the handling fee established under subdivision six of this section. Without limiting the rights of the department or any person, firm or corporation under this subdivision or any other provision of this section, a distributor shall have a civil right of action to enforce this subdivision, including, upon three days notice, the right to apply for temporary and preliminary injunctive relief against continuing violations, and until arrangements for collection and return of empty containers or reimbursement of such distributor for such deposits and handling fees are made.

8. It shall be the responsibility of the deposit initiator or distributor to provide to a dealer or redemption center a sufficient number of bags, cartons, or other suitable containers, at no cost, for the packaging, handling and pickup of empty beverage **or cannabis** containers that are not redeemed through a reverse vending machine. The bags, cartons, or containers must be provided by the deposit initiator or distributor on a schedule that allows the dealer or redemption center sufficient time to sort the empty beverage **or cannabis** containers prior to pick up by the deposit initiator or distributor. In addition:

(a) When picking up empty beverage **or cannabis** containers, a deposit initiator or distributor shall not require a dealer or redemption center to load their own bags, cartons or containers onto or into the deposit initiator's or distributor's vehicle or vehicles or provide the staff or equipment needed to do so.

(b) A deposit initiator or distributor shall not require empty containers to be counted at a location other than the redemption center or dealer's place of business. The dealer or redemption center shall have the right to be present at the count.

(c) A deposit initiator or distributor shall pick up empty beverage **or cannabis** containers from the dealer or redemption center at reasonable times and intervals as determined in rules or regulations promulgated by the department.

9. No person shall return or assist another to return to a dealer or redemption center an empty beverage **or cannabis** container for its refund value if such container had previously been accepted for redemption by a dealer, redemption center, or deposit initiator who initiates deposits on beverage **or cannabis** containers of the same brand.

10. A redeemer, dealer, distributor or redemption center shall not knowingly redeem an empty beverage **or cannabis** container on which a deposit was never paid in New York state.

11. Notwithstanding the provisions of subdivision two of section 27-1009 of this title, a deposit initiator or distributor shall accept and redeem beverage **or cannabis** containers as provided in this title, if the dealer or operator of a redemption center shall have accepted and paid the refund value of such beverage **or cannabis** containers.

12. No person shall intentionally program, tamper with, render inaccurate, or circumvent the proper operation of a reverse vending machine to wrongfully elicit deposit monies when no valid, redeemable beverage **or cannabis** container has been placed in and properly processed by the reverse vending machine.

§ 5. Section 27-1009 of the environmental conservation law, as amended by section 4 of part F of chapter 58 of the laws of 2013, is amended to read as follows:

§ 27-1009. Refusal of acceptance.

1. A dealer or operator of a redemption center may refuse to accept from a redeemer, and a deposit initiator or distributor may refuse to accept from a dealer or operator of a redemption center any empty beverage **or cannabis** container which does not state thereon a refund value as established by section 27-1005 and provided by [~~section~~] **sections 27-1010 and** 27-1011 of this title.

2. A dealer or operator of a redemption center may also refuse to accept any broken bottle, corroded, crushed or dismembered container, or any beverage **or cannabis** container which contains a significant amount of foreign material, as determined in rules and regulations to be promulgated by the commissioner.

§ 6. The environmental conservation law is amended by adding a new section 27-1010 to read as follows:

§ 27-1010. Cannabis container requirements.

1. a. Every cannabis container sold or offered for sale in this state shall clearly indicate by permanently marking or embossing the container or by printing as part of the product label the refund value of the container and the words "New York" or the letters "NY".

b. Such embossing or permanent imprinting on the cannabis container shall be the responsibility of the person, firm or corporation which packages a cannabis container or a brand owner for whose exclusive account private label cannabis is packaged.

2. No deposit initiator, distributor or dealer shall sell or offer for sale, at wholesale or retail in this state, any cannabis container that does not consist of at least fifty percent recycled materials.

§ 7. Subdivisions 1, 8, 9 and 12 of section 27-1012 of the environmental conservation law, subdivisions 1, 8 and 9 as added by section 8 of part SS of chapter 59 of the laws of 2009, and paragraph b of subdivision 9 and subdivision 12 as amended by section 6 of part F of chapter 58 of the laws of 2013, are amended to read as follows:

1. Each deposit initiator shall deposit in a refund value account an amount equal to the refund value initiated under section 27-1005 of this title which is received with respect to each beverage **or cannabis** container sold by such deposit initiator. Such deposit initiator shall hold the amounts in the refund value account in trust for the state. A refund value account shall be an interest-bearing account established in a banking institution located in this state, the deposits in which are insured by an agency of the federal government. Deposits of such amounts into the refund value account shall be made not less frequently than every five business days. All interest, dividends and returns earned on the refund value account shall be paid directly into said account. The monies in such accounts shall be kept separate and apart from all other monies in the possession of the deposit initiator. The commissioner of taxation and finance may specify a system of accounts and records to be maintained with respect to accounts established under this subdivision.

8. The commissioner of taxation and finance may require the maintenance of such accounts, records or documents relating to the sale of beverage **or cannabis** containers, by any deposit initiator, bottler, **cannabis packager,** distributor, dealer or redemption center as such commissioner may deem appropriate for the administration of this section. Such commissioner may make examinations, including the conduct of facility inspections during regular business hours, with respect to

the accounts, records or documents required to be maintained under this subdivision. Such accounts, records and documents shall be preserved for a period of three years, except that such commissioner may consent to their destruction within that period or may require that they be kept longer. Such accounts, records and documents may be kept within the meaning of this subdivision when reproduced by any photographic, photostatic, microfilm, micro-card, miniature photographic or other process which actually reproduces the original accounts, records or documents.

9. a. Any person required to be registered under this section who, without being so registered, sells or offers for sale beverage **or cannabis** containers in this state, in addition to any other penalty imposed by this title, shall be subject to a penalty to be assessed by the commissioner of taxation and finance in an amount not to exceed five hundred dollars for the first day on which such sales or offers for sale are made, plus an amount not to exceed five hundred dollars for each subsequent day on which such sales or offers for sale are made, not to exceed twenty-five thousand dollars in the aggregate.

b. Any deposit initiator who fails to file reports, make quarterly payments or maintain accounts or records pursuant to this section, unless it is shown that such failure was due to reasonable cause and not due to negligence or willful neglect, in addition to any other penalty imposed by this title, shall be subject to a penalty to be assessed by the commissioner of taxation and finance of not more than one thousand dollars for each quarter during which such failure occurred, and an additional penalty of not more than one thousand dollars for each quarter such failure continues.

12. a. Each deposit initiator shall provide a report to the department describing all the types of beverage **or cannabis** containers on which it initiates deposits. The report shall include the product name, type of beverage **if applicable**, size and composition of the beverage **or cannabis** container, universal product code, and any other information the department may require. Upon request, a deposit initiator shall also provide to the department a copy of the container label or a picture of any beverage **or cannabis** container sold or offered for sale in this state on which it initiates a deposit. Such information shall be provided in a form as prescribed by the department. The department may require that such forms be filed electronically.

b. A bottler may place on a beverage **or cannabis** container a universal product code or other distinctive marking that is specific to the state or used only in the state and any other states with laws substantially similar to this title as a means of preventing the sale or redemption of beverage **or cannabis** containers on which no deposit was initiated.

c. A bottler or deposit initiator shall notify the department, in a form prescribed by the department, whenever a beverage **or cannabis** container or beverage **or cannabis** container label is revised by altering the universal product code, or whenever the container on which a universal product code appears is changed in size, composition or glass color, or whenever the container or container label on which a universal product code appears is changed to include a universal product code that is unique to the state or used only in the state and any other states with laws substantially similar to this title.

§ 8. Subdivisions 1, 3 and 4 of section 27-1013 of the environmental conservation law, subdivisions 1 and 3 as amended and subdivision 4 as added by section 7 of part F of chapter 58 of the laws of 2013, are amended to read as follows:

1. The commissioner is hereby empowered to promulgate rules and regulations governing (a) the circumstances in which deposit initiators, dealers and distributors, individually or collectively, are required to accept the return of empty beverage **or cannabis** containers, including beverage **or cannabis** containers processed through reverse vending machines and make payment therefor; (b) the sorting of the containers which a deposit initiator or distributor may require of dealers and redemption centers; (c) the collection of returned beverage **or cannabis** containers by deposit initiators or distributors, including the party to whom such expense is to be charged, the frequency of such pick ups and the payment for refunds and handling fees thereon; (d) the right of dealers to restrict or limit the number of containers redeemed, the rules for redemption at the dealers' place of business, and the redemption of containers from a beverage for which sales have been discontinued; (e) to issue registrations to persons, firms or corporations which establish redemption centers, subject to applicable provisions of local and state laws, at which redeemers and dealers may return empty beverage **or cannabis** containers and receive payment of the refund value of such beverage **or cannabis** containers. Such registrations shall be issued at no cost. Should the department require by regulations adopted pursuant to this paragraph that redemption centers must obtain a registration as a condition of operation, any redemption center in business as of March first, two thousand thirteen that previously provided the department with the notification information required by regulations in effect as of such date may continue to operate as if the department had issued such redemption center a registration required by regulations adopted under this paragraph; provided, however, that such redemption center shall provide the department with any other information required by regulations adopted pursuant to this paragraph. The department may, after due notice and opportunity of hearing, pursuant to the provisions of section 71-1709 of this chapter, deny an application or revoke a registration. In determining whether or not to revoke a registration the commissioner shall at a minimum, take into consideration the compliance history of a violator, good faith efforts of a violator to comply, any economic benefit from noncompliance and whether the violation was procedural in nature. The commissioner's determination to revoke a registration is subject to review under article seventy-eight of the civil practice law and rules; and (f) the operation of mobile redemption centers in order to ensure that to the best extent practicable containers are not proffered for redemption to a deposit initiator or distributor outside of the geographic area where such deposit initiator sells containers and initiates deposits.

3. No dealer or distributor, as defined in section 27-1003 of this title, shall be required to obtain a permit to operate a redemption center at the same location as the dealer's or distributor's place of business. Operators of such redemption centers shall receive payment of the refund value of each beverage **or cannabis** container from the appropriate deposit initiator or distributor as provided under section 27-1007 of this title.

4. Each dealer and redemption center shall require any person tendering for redemption more than two thousand five hundred containers at one time to such dealer or redemption center to provide such person's name and address and the license plate of the vehicle used to transport the containers, or, in the case of an agent or employee of a not-for-profit corporation, a sales tax exemption certificate. The dealer or redemption center redeeming the beverage **or cannabis** containers shall keep the

information on file for a minimum of twelve months and provide same to the department upon request.

§ 9. Subdivisions 3, 4 and 6 of section 27-1015 of the environmental conservation law, subdivisions 3 and 4 as amended and subdivision 6 as added by section 8 of part F of chapter 58 of the laws of 2013, are amended to read as follows:

3. It shall be unlawful for a distributor or deposit initiator, acting alone or aided by another, to return any empty beverage **or cannabis** container to a dealer or redemption center for its refund value if the distributor or deposit initiator had previously accepted such beverage **or cannabis** container from any dealer or operator of a redemption center or if such container was previously accepted by a reverse vending machine. A violation of this subdivision shall be a misdemeanor punishable by a fine of not less than five hundred dollars nor more than one thousand dollars and an amount equal to two times the amount of money received as a result of such violation.

4. Any person who willfully tenders to a dealer, distributor, redemption center or deposit initiator more than forty-eight empty beverage **or cannabis** containers for which such person knows or should reasonably know that no deposit was paid in New York state may be assessed by the department a civil penalty of up to one hundred dollars for each container or up to twenty-five thousand dollars for each such tender of containers. At each location where a person tenders containers for redemption, dealers and redemption centers must conspicuously display a sign in letters that are at least one inch in height with the following information: "WARNING: Persons tendering for redemption containers on which a deposit was never paid in this state may be subject to a civil penalty of up to one hundred dollars per container or up to twenty-five thousand dollars for each such tender of containers." Any civil penalty may be assessed following a hearing or opportunity to be heard.

6. (a) Any person who willfully violates or directs another to violate the requirements to collect or charge the refund value imposed by section 27-1005 or paragraph a of subdivision nine of section 27-1012 of this title on five thousand or more beverage **or cannabis** containers in one or more separate transactions within one year shall be guilty of a class B misdemeanor.

(b) Any person, having previously been convicted of a violation of paragraph (a) of this section within the past three years, who willfully violates or directs another to violate the requirements to collect or charge the refund value imposed by section 27-1005 or paragraph a of subdivision nine of section 27-1012 of this title on five thousand or more beverage **or cannabis** containers in one or more separate transactions within one year shall be guilty of a class A misdemeanor.

(c) Any person who willfully violates or directs another to violate the requirements to collect or charge the refund value imposed by section 27-1005 or paragraph a of subdivision nine of section 27-1012 of this title on twenty thousand or more beverage **or cannabis** containers in one or more separate transactions within one year shall be guilty of a class E felony.

Nothing in this subdivision shall apply to common or contract carriers or warehousemen while engaged in lawfully transporting or storing such containers as merchandise, nor to any employee of such carrier or warehouseman acting within the scope of his or her employment.

§ 10. Section 27-1016 of the environmental conservation law, as added by section 12 of part SS of chapter 59 of the laws of 2009, is amended to read as follows:

§ 27-1016. Public education.

The commissioner shall establish a public education program to disseminate information regarding implementation of this title. Such information shall include, but not be limited to, publication of the New York Bottle Bill of Rights **and the New York Cannabis Container Bill of Rights** as specified in subdivision two of section 27-1007 of this title; publication of information specifying the procedures necessary to establish a redemption center as provided in section 27-1013 of this title, including information regarding financial assistance available for the establishment of redemption centers as provided in section 27-1018 of this title; publication of information delineating the relevant rights and responsibilities of deposit initiators, distributors, dealers, redemption centers and redeemers under the provisions of this title; publication of information regarding the requirement that deposit initiators register with the department of taxation and finance; and publication of information on the general benefits of recycling.

§ 11. Section 27-1018 of the environmental conservation law, as added by section 13 of part SS of chapter 59 of the laws of 2009, is amended to read as follows:

§ 27-1018. Beverage **or cannabis** container assistance program.

Notwithstanding any other provision of law to the contrary, within the limits of appropriations therefor, the commissioner shall make state assistance payments to municipalities, businesses and not-for-profit organizations located in the state for the cost of reverse vending machines located or to be located in the state. Such state assistance payments shall not exceed fifty percent of the costs of equipment, and/or the acquisition and/or rehabilitation of real property or structures located or to be located in the state related to the collecting, sorting, and packaging of empty beverage **or cannabis** containers subject to the provisions of this title. Such payments may include costs related to the establishment of redemption centers, including mobile redemption centers. For the purposes of this section, municipalities and not-for-profit organizations shall have the meaning as defined in section 54-0101 of this chapter and businesses shall mean a dealer, distributor or redemption center as defined in this title that employs less than fifty employees.

§ 12. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.