

# STATE OF NEW YORK

4879

2021-2022 Regular Sessions

## IN SENATE

February 17, 2021

Introduced by Sen. KAVANAGH -- 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 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:

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

3 TITLE 32

4 PLASTIC WATER BOTTLES

5 Section 27-3201. Infrastructure assessment.

6 27-3203. State funds for single-use plastic water bottles.

7 27-3205. Single-use plastic water bottles comprised of one  
8 hundred percent recycled material.

9 27-3207. Enforcement.

10 § 27-3201. Infrastructure assessment.

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

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

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

19 2. The commissioner shall submit a report including recommendations  
20 and findings based on this study to the governor, the temporary presi-  
21 dent of the senate, the speaker of the assembly and the chairs of the

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

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1 senate and assembly standing committees on health and the chairs of the  
2 senate and assembly standing committees on environmental conservation no  
3 later than one year from the effective date of this section.

4 § 27-3203. State funds for single-use plastic water bottles.

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

9 1. necessary to address health requirements under the following emer-  
10 gencies:

11 (a) a state of emergency has been declared;

12 (b) a boil water advisory has been issued;

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

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

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

20 2. compliance with this title would conflict with contract require-  
21 ments in existence as of the effective date of this title.

22 § 27-3205. Single-use plastic water bottles comprised of one hundred  
23 percent recycled material.

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

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

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

38 (a) a state of emergency has been declared;

39 (b) a boil water advisory has been issued;

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

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

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

47 § 27-3207. Enforcement.

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

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

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

5 § 1352-f. Provision of tap water to customers. 1. For purposes of this  
6 section, the following terms shall have the following meanings:

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

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

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

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

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

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