

STATE OF NEW YORK

3590

2023-2024 Regular Sessions

IN ASSEMBLY

February 3, 2023

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the handling fee paid to a dealer or operator of a redemption center for the redemption of empty beverage containers

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

1 Section 1. Subdivision 6 of section 27-1007 of the environmental
2 conservation law, as added by section 4 of part SS of chapter 59 of the
3 laws of 2009, is amended to read as follows:

4 6. (a) In addition to the refund value of a beverage container as
5 established by section 27-1005 of this title, a deposit initiator shall
6 pay to any dealer or operator of a redemption center a handling fee [~~of~~
7 ~~three and one-half cents~~] for each beverage container accepted by the
8 deposit initiator from such dealer or operator of a redemption center as
9 specified in paragraphs (b), (c) and (d) of this subdivision. Payment of
10 the handling fee shall be as compensation for collecting, sorting and
11 packaging of empty beverage containers for transport back to the deposit
12 initiator or its designee. Payment of the handling fee may not be condi-
13 tioned on the purchase of any goods or services, nor may such payment be
14 made out of the refund value account established pursuant to section
15 27-1012 of this title. A distributor who does not initiate deposits on a
16 type of beverage container is considered a dealer only for the purpose
17 of receiving a handling fee from a deposit initiator.

18 (b) Except as otherwise provided in this subdivision, the handling fee
19 paid shall not be less than five cents.

20 (c) Beginning December thirty-first, two thousand twenty-three, each
21 year a new federal or New York state minimum wage is to take effect, but
22 not later than the date that the new federal or New York state minimum
23 wage is to take effect, the commissioner shall determine the handling
24 fee to be in effect pursuant to this subdivision. Subject to paragraph

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

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1 (d) of this subdivision, the handling fee determined pursuant to this
2 subdivision shall be:

3 (i) not less than the amount in effect under paragraph (b) on the date
4 of such determination;

5 (ii) increased from such amount by the percentage increase in the
6 newly effective federal or New York state minimum wage; and

7 (iii) rounded to the nearest multiple of \$0.005.

8 (d) The handling fee shall only be increased by the percentage
9 increase in a newly effective federal minimum wage pursuant to paragraph
10 (c) of this subdivision if the federal minimum wage is set at an amount
11 higher than the New York state minimum wage. Otherwise, the handling fee
12 shall be increased only by the percentage increase in a newly effective
13 New York state minimum wage pursuant to paragraph (c) of this subdivi-
14 sion. If a newly effective New York state minimum wage increases based
15 on a wage rate schedule that varies throughout New York state, then the
16 percentage increase to be used for calculating the handling fee shall be
17 based on the wage rate applicable to city of New York employers with
18 eleven employees or more pursuant to paragraph (c) of this subdivision.

19 § 2. This act shall take effect immediately.