STATE OF NEW YORK

4414

2023-2024 Regular Sessions

IN SENATE

February 8, 2023

Introduced by Sen. KRUEGER -- 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 distribution of expanded polystyrene containers that are designed or intended to be used for cold storage

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

Section 1. The title heading of title 30 of article 27 of the environmental conservation law, as added by section 1 of part PP of chapter 58 of the laws of 2020, is amended to read as follows:

EXPANDED POLYSTYRENE FOAM CONTAINER [~~AND~~], POLYSTYRENE LOOSE FILL PACKAGING **AND POLYSTYRENE COOLER** BAN

§ 2. Subdivision 4 of section 27-3001 of the environmental conservation law, as added by section 1 of part PP of chapter 58 of the laws of 2020, is amended to read as follows:

4. "Manufacturer" means every person, firm or corporation that produces or imports polystyrene loose fill packaging that is sold, offered for sale, or distributed in the state**, or that makes expanded polystyrene portable containers that are designed or intended to be used for cold storage**.

§ 3. The section heading of section 27-3003 of the environmental conservation law, as added by section 1 of part PP of chapter 58 of the laws of 2020, is amended and a new paragraph (c) is added to subdivision 1 to read as follows:

Expanded polystyrene foam container [~~and~~], polystyrene loose fill packaging**, and polystyrene cooler** ban.

(c) Beginning January first, two thousand twenty-four, no covered food service provider, manufacturer or store shall sell, offer for sale, or distribute expanded polystyrene containers that are designed or intended to be used for cold storage, including but not limited to coolers and

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

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ice chests, which are not wholly encapsulated or encased within a more durable material.

§ 4. Paragraph (b) of subdivision 1 of section 27-3005 of the environmental conservation law, as added by section 1 of part PP of chapter 58 of the laws of 2020, is amended and a new paragraph (c) is added to read as follows:

(b) Raw meat, pork, seafood, poultry or fish sold for the purpose of cooking or preparing off-premises by the customer[~~.~~]**; or**

(c) Expanded polystyrene containers used for drugs, medical devices, and biological materials as defined in the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.).

§ 5. Subdivisions 1 and 3 of section 27-3007 of the environmental conservation law, as added by section 1 of part PP of chapter 58 of the laws of 2020, are amended to read as follows:

1. Except as provided in subdivisions two and three of this section, this title shall supersede and preempt all local laws, ordinances or regulations governing the sale, offer for sale, or distribution of disposable food service containers containing expanded polystyrene foam [~~and~~]**;** polystyrene loose fill packaging **and expanded polystyrene containers that are designed or intended to be used for cold storage**.

3. This title shall not apply in a city with a population of one million or more which has a local law, ordinance or regulation in place which restricts the sale, offer for sale, or distribution of expanded polystyrene containers [~~and~~]**,** polystyrene loose fill packaging **and expanded polystyrene containers that are designed or intended to be used for cold storage**.

§ 6. This act shall take effect immediately.