

STATE OF NEW YORK

8361--A

IN SENATE

January 22, 2024

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the state finance law, in relation to requiring all state agencies and offices to cease purchasing single-use plastic water bottles and provides for the installation of water bottle filling stations

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

- 1 Section 1. Legislative intent. 1. The legislature finds and declares
2 that:
- 3 (a) climate change is adversely affecting the people of New York and
4 poses a threat to public health, the well-being of our communities and
5 families, and our state's economy and infrastructure;
- 6 (b) the combustion of fossil fuels is a primary cause of greenhouse
7 gas emissions that cause climate change;
- 8 (c) the production of plastic bottles relies on fossil fuels, and most
9 plastic bottles are made from petroleum-based polyethylene terephthalate
10 in refineries that run on fossil fuels;
- 11 (d) plastic pollution has resulted in harm to communities in New York;
- 12 (e) by some estimates Americans throw away about 2.5 million plastic
13 bottles every hour;
- 14 (f) plastic pollution harms wildlife across New York, including in our
15 ocean ecosystems; and
- 16 (g) purchasing single-use plastic water bottles instead of utilizing
17 less harmful alternatives is inconsistent with the best interests of the
18 people of the state.
- 19 2. Therefore, the legislature determines it to be in the best interest
20 of the state to require all state departments, agencies and offices to
21 cease purchasing single-use plastic water bottles and to require that
22 installation of water bottle filling stations on premises occupied by
23 the department, agency or office.

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

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1 § 2. The state finance law is amended by adding a new section 163-e to
2 read as follows:

3 § 163-e. Prohibition on the purchase of single-use plastic water
4 bottles. 1. (a) All state agencies and offices shall cease or reduce
5 their purchase of single-use plastic water bottles in accordance with
6 the provisions of this section.

7 (b) Nothing in this section shall be construed to prevent the purchase
8 of single-use plastic water bottles by a state agency or office under
9 the following circumstances:

10 (i) when no alternative is available or practicable;

11 (ii) when necessary to protect the health, safety, and welfare of
12 residents of the state;

13 (iii) when compliance with this section would conflict with contract
14 requirements or labor agreements in existence as of the effective date
15 of this section or agreements solicited before the effective date of
16 this section; or

17 (iv) to prepare for or respond to an emergency.

18 (c) In addition, each state agency and office shall provide for disa-
19 bility or accessibility related accommodations in its planning efforts.

20 2. (a) The commissioner of general services is hereby authorized to
21 enter into one or more contracts for the installation of water bottle
22 filling stations on premises occupied by all state agencies and offices,
23 including the Capitol Building and buildings of the Empire State Plaza.
24 Such filling stations may be installed at existing water fountains or
25 may be installed separately if no water fountain is available.

26 (b) (i) The office of general services shall establish guidelines
27 concerning the installation of water bottle filling stations as well as
28 the qualifications required for the installation of water bottle filling
29 stations by contractors and subcontractors pursuant to section one
30 hundred sixty-three of this article. Such guidelines shall implement a
31 certification process with minimum standards for contractors and subcon-
32 tractors to file with the contracting state agency or office upon
33 completion of a project.

34 (ii) Any state agency or office contract for the installation of water
35 bottle filling stations shall include provisions requiring contractors
36 and subcontractors doing work involving the installation of water bottle
37 filling stations to certify that all work completed meets the minimum
38 standards established under this section by the office of general
39 services regarding such installations.

40 (iii) Any certifications required by this section shall be kept
41 current for the duration of the contract.

42 3. No later than one year after the effective date of this section,
43 all state agencies and offices shall submit to the state procurement
44 council and to the New York state climate action council established
45 pursuant to section 75-0103 of the environmental conservation law, a
46 summary of:

47 (a) the steps they have taken to:

48 (i) halt the expenditures of state funds for the purchase of single-
49 use plastic water bottles;

50 (ii) reduce the sale or re-sale of single-use plastic water bottles on
51 state-owned property; and

52 (b) the number of water bottle filling stations installed on the prem-
53 ises of the state agency or office.

54 4. All New York quasi-public authorities and boards are encouraged to
55 adopt their own plans to eliminate their purchasing and sale of single-
56 use plastic water bottles.

1 5. As used in this section, the following terms shall have the follow-
2 ing meanings:

3 (a) "Single-use plastic water bottle" means a beverage in a sealed
4 rigid plastic bottle having a capacity of twenty-one fluid ounces or
5 less.

6 (b) "State agencies and offices" means all state departments, boards,
7 commissions, offices or institutions under the executive, legislative
8 and judicial branches of the state. For the purposes of this section the
9 term "state agencies and offices" shall exclude the state university of
10 New York; the city university of New York; and any residential care
11 center for adults or residential treatment facility for children and
12 youth, as such terms are defined by section 1.03 of the mental hygiene
13 law, or any other program or facility certified by the office for people
14 with developmental disabilities.

15 § 3. This act shall take effect one year after it shall have become a
16 law and shall apply to the purchase of single-use plastic water bottles
17 on and after such effective date.