

# STATE OF NEW YORK

3803

2023-2024 Regular Sessions

## IN ASSEMBLY

February 8, 2023

Introduced by M. of A. FAHY, SIMON, COOK, EPSTEIN -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the paper carryout bag reduction fee

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

1 Section 1. Subdivision 7 of section 27-2805 of the environmental  
2 conservation law, as added by section 2 of part H of chapter 58 of the  
3 laws of 2019, is amended to read as follows:

4 7. All paper carryout bag reduction fee monies and any related penal-  
5 ties and interest remitted to the commissioner of taxation and finance  
6 under this section, except as hereinafter provided, shall be deposited  
7 daily with such responsible banks, banking houses, or trust companies as  
8 may be designated by the state comptroller. Of the revenues deposited,  
9 the comptroller shall retain in the comptroller's hands such amount as  
10 the commissioner of taxation and finance may determine to be necessary  
11 for refunds or reimbursements of the fees collected or received pursuant  
12 to this section, out of which the comptroller shall pay any refunds or  
13 reimbursements of such fees to which persons shall be entitled under the  
14 provisions of this section. The comptroller, after reserving such refund  
15 and reimbursement fund shall: (a) for the first year following the  
16 effective date of a local law, ordinance or resolution imposing a paper  
17 carryout bag reduction fee adopted pursuant to subdivision one of this  
18 section by a county or city, on or before the twelfth day of each month,  
19 pay to the appropriate fiscal officers of the counties or cities impos-  
20 ing tax under subdivision one of this section an amount equal to forty  
21 percent of the paper carryout bag reduction fee monies and any related  
22 penalties and interest collected by the commissioner of taxation and  
23 finance in respect of each such county or city in the preceding calendar  
24 month to be used for the purpose of purchasing and distributing reusable  
25 bags, with priority given to low- and fixed-income communities; and (b)

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

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1 after the first year following the effective date of a local law, ordi-  
2 nance or resolution imposing a paper carryout bag reduction fee adopted  
3 pursuant to subdivision one of this section by a county or city, on or  
4 before the twelfth day of each month, pay to each person located in such  
5 county or city and required to collect the paper carryout bag reduction  
6 fee an amount equal to forty percent of the paper carryout bag reduction  
7 fee monies collected by such person. Provided further that at the end of  
8 each fiscal year, any funds which have not been used for the purpose  
9 defined in this section shall be returned to the comptroller and be  
10 deposited into the general fund to be used for the purpose of purchasing  
11 and distributing reusable bags with priority given to low- and fixed-in-  
12 come communities. Any remaining amount of paper carryout bag reduction  
13 fee monies and any related penalties and interest shall be deposited  
14 monthly into the environmental protection fund established pursuant to  
15 section ninety-two-s of the state finance law.  
16 § 2. This act shall take effect immediately.