STATE OF NEW YORK

5560

2023-2024 Regular Sessions

IN ASSEMBLY

March 16, 2023

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

AN ACT to amend the environmental conservation law, in relation to the sale of composting bags

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

Section 1. Article 27 of the environmental conservation law is amended by adding a new title 34 to read as follows:

TITLE 34

REGULATION OF COMPOSTING BAGS

Section 27-3401. Definitions.
27-3403. Regulation of the sale of composting bags.
27-3405. Violations.
27-3407. Regulations.

§ 27-3401. Definitions.

As used in this title:

1. "Manufacturer" shall mean any person, firm, association, partnership, or corporation, which makes plastic trash bags to be used in the disposal of waste.

2. "Composting bag" shall mean a bag intended to hold, store, or transport compost materials, including but not limited to composting bags, yard bags, and leaf bags.

3. "Compost materials" shall mean leaves, grass clippings, garden debris, vegetative residue that is recognizable as part of a plant or vegetable, small or chipped branches, and similar material.

4. "Retailer" shall mean any person, firm or corporation that engages in the sale of composting bags.

§ 27-3403. Regulation of the sale of composting bags.

Every composting bag offered for sale or sold by a retailer in this state shall be made from paper.

§ 27-3405. Violations.

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

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1. Any retailer found to be in violation of this title shall receive a warning notice for the first violation. Any retailer found to subsequently be in violation of this title shall be subject to a penalty of five hundred dollars per violation.

2. Any manufacturer found in violation of this title shall be subject to a penalty of five hundred dollars per violation.

§ 27-3407. Regulations.

The department is authorized to promulgate any rules and regulations necessary to implement the provisions of this title.

§ 2. This act shall take effect January 1, 2025.