

# STATE OF NEW YORK

5906--A

2023-2024 Regular Sessions

## IN ASSEMBLY

March 24, 2023

Introduced by M. of A. SHIMSKY, SAYEGH, SEPTIMO, SIMON, CUNNINGHAM, GONZALEZ-ROJAS, PAULIN, LEVENBERG, L. ROSENTHAL, CRUZ, EPSTEIN, THIELE, FLOOD, REYES, GIBBS, CHANG, KELLES, BURDICK, LUCAS, SILLITTI, SEAWRIGHT, GUNTHER, LUPARDO -- read once and referred to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to expanding the food donation and food scraps recycling program

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

1 Section 1. Subdivision 1 of section 27-2201 of the environmental  
2 conservation law, as added by section 2 of part SS of chapter 58 of the  
3 laws of 2019, is amended to read as follows:  
4 1. "Designated food scraps generator" means a person who generates at  
5 a single location an annual average of two tons per week or more of food  
6 scraps between January first, two thousand twenty-three and December  
7 thirty-first, two thousand twenty-five, an annual average of one ton per  
8 week or more of food scraps between January first, two thousand twenty-  
9 six and December thirty-first, two thousand twenty-seven, and an annual  
10 average of one-half ton per week or more of food scraps beginning Janu-  
11 ary first, two thousand twenty-eight and thereafter based on a methodol-  
12 ogy established by the department pursuant to regulations, including,  
13 supermarkets, large food service businesses, higher educational insti-  
14 tutions, hotels, food processors, correctional facilities, and sports or  
15 entertainment venues. For a location with multiple independent food  
16 service businesses, such as a mall or college campus, the entity respon-  
17 sible for contracting for solid waste hauling services is responsible  
18 for managing food scraps from the independent businesses.

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

LBD09935-04-4

1 § 2. The opening paragraph of paragraph (b) of subdivision 1 and para-  
2 graph (a) of subdivision 3 of section 27-2203 of the environmental  
3 conservation law, as added by section 2 of part SS of chapter 58 of the  
4 laws of 2019, are amended to read as follows:

5 except as provided in paragraph (c) of this subdivision, each desig-  
6 nated food scraps generator that is within [~~twenty-five~~] fifty miles of  
7 an organics recycler, to the extent that the recycler has capacity to  
8 accept all of such generator's food scraps based on the department's  
9 yearly estimate of an organic recyclers' capacity pursuant to section  
10 27-2211 of this title, shall:

11 (a) the designated food scraps generator does not meet the [~~two tons~~]  
12 tonnage per week threshold pursuant to subdivision one of section  
13 27-2201 of this title;

14 § 3. The department of environmental conservation is authorized and  
15 directed to complete the addition, amendment and/or repeal of any rule  
16 or regulation necessary for the implementation of this act no later than  
17 180 days after the date on which this act shall have become a law.

18 § 4. This act shall take effect immediately; provided, however, that  
19 section two of this act shall take effect January 1, 2026.