

STATE OF NEW YORK

1680

2025-2026 Regular Sessions

IN ASSEMBLY

January 14, 2025

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

AN ACT to amend the environmental conservation law, in relation to permitting the sale or distribution of expanded polystyrene containers that are designed or intended to be used for cold storage for certain purposes

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

1 Section 1. Paragraph (c) of subdivision 1 of section 27-3005 of the
2 environmental conservation law, as added by a chapter of the laws of
3 2024 amending the environmental conservation law relating to prohibiting
4 the sale or distribution of expanded polystyrene containers that are
5 designed or intended to be used for cold storage, as proposed in legis-
6 lative bills numbers S. 4414-A and A. 4943-A, is amended to read as
7 follows:

8 (c) Expanded polystyrene containers that are not wholly encapsulated
9 or encased within a more durable container and are [~~designed or intended~~
10 ~~to be~~] used for cold storage for:

11 (i) [~~for~~] drugs[~~,~~] and medical devices[~~, and biological materials~~] as
12 defined in the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301
13 et seq.); [~~or~~]

14 (ii) animal biologics, including vaccines, bacterins, antisera, diag-
15 nostic kits, and other products of biological origin, and other packag-
16 ing materials regulated by the United States department of agriculture
17 under the virus, serum, toxin act (21 U.S.C. 151-159), including
18 vaccines[~~;~~];

19 (iii) tissues as defined in section forty-three hundred sixty of the
20 public health law or biological products as defined in the federal
21 Public Health Service Act (42 U.S.C. Sec 262);

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

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1 (iv) temperature-sensitive samples, cultures or specialized laboratory
 2 reagents requiring cold storage during shipment, either delivered to or
 3 received from:

4 (A) the department of agriculture and market's food laboratory pursu-
 5 ant to its duties under the agriculture and markets law; or

6 (B) laboratories for testing to help ensure human health, animal
 7 health, and/or food safety pursuant to statutory or regulatory require-
 8 ments of, or standards established under, programs administered by the
 9 department, the department of health, the department of agriculture and
 10 markets, the United States department of agriculture and/or the United
 11 States food and drug administration; or

12 (v) microbial cultures used for dairy, meat, or fermented beverage
 13 manufacturing and requiring cold storage during shipment or delivery to
 14 dairy or meat processing plants or breweries and wineries as defined in
 15 section three of the alcoholic beverage control law.

16 § 2. Subparagraphs (iii), (iv) and (v) of paragraph (c) of subdivision
 17 1 of section 27-3005 of the environmental conservation law, as added by
 18 section one of this act, are amended to read as follows:

19 (iii) tissues as defined in section forty-three hundred sixty of the
 20 public health law or biological products as defined in the federal
 21 Public Health Service Act (42 U.S.C. Sec 262); or

22 (iv) temperature-sensitive samples, cultures or specialized laboratory
 23 reagents requiring cold storage during shipment, either delivered to or
 24 received from:

25 (A) the department of agriculture and market's food laboratory pursu-
 26 ant to its duties under the agriculture and markets law; or

27 (B) laboratories for testing to help ensure human health, animal
 28 health, and/or food safety pursuant to statutory or regulatory require-
 29 ments of, or standards established under, programs administered by the
 30 department, the department of health, the department of agriculture and
 31 markets, the United States department of agriculture and/or the United
 32 States food and drug administration[~~, or~~

33 ~~(v) microbial cultures used for dairy, meat, or fermented beverage~~
 34 ~~manufacturing and requiring cold storage during shipment or delivery to~~
 35 ~~dairy or meat processing plants or breweries and wineries as defined in~~
 36 ~~section three of the alcoholic beverage control law].~~

37 § 3. Subparagraphs (ii), (iii) and (iv) of paragraph (c) of subdivi-
 38 sion 1 of section 27-3005 of the environmental conservation law, subpar-
 39 agraph (ii) as amended by section one of this act and subparagraphs
 40 (iii) and (iv) as amended by section two of this act, are amended to
 41 read as follows:

42 (ii) animal biologics, including vaccines, bacterins, antisera, diag-
 43 nostic kits, and other products of biological origin, and other packag-
 44 ing materials regulated by the United States department of agriculture
 45 under the virus, serum, toxin act (21 U.S.C. 151-159), including
 46 vaccines; or

47 (iii) tissues as defined in section forty-three hundred sixty of the
 48 public health law or biological products as defined in the federal
 49 Public Health Service Act (42 U.S.C. Sec 262)[~~, or~~

50 ~~(iv) temperature-sensitive samples, cultures or specialized laboratory~~
 51 ~~reagents requiring cold storage during shipment, either delivered to or~~
 52 ~~received from:~~

53 ~~(A) the department of agriculture and market's food laboratory pursu-~~
 54 ~~ant to its duties under the agriculture and markets law; or~~

55 ~~(B) laboratories for testing to help ensure human health, animal~~
 56 ~~health, and/or food safety pursuant to statutory or regulatory require-~~

1 ~~ments of, or standards established under, programs administered by the~~
2 ~~department, the department of health, the department of agriculture and~~
3 ~~markets, the United States department of agriculture and/or the United~~
4 ~~States food and drug administration].~~

5 § 4. This act shall take effect immediately; provided, however, that
6 section one of this act shall take effect on the same date and in the
7 same manner as a chapter of the laws of 2024 amending the environmental
8 conservation law relating to prohibiting the sale or distribution of
9 expanded polystyrene containers that are designed or intended to be used
10 for cold storage, as proposed in legislative bills numbers S. 4414-A and
11 A. 4943-A, takes effect; provided further, however, that section two of
12 this act shall take effect January 1, 2030; and provided further, howev-
13 er, that section three of this act shall take effect January 1, 2035.