

STATE OF NEW YORK

9354--A

2025-2026 Regular Sessions

IN ASSEMBLY

December 19, 2025

Introduced by M. of A. COLTON, ROSENTHAL, KASSAY, MAGNARELLI, GALLAGHER
-- 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 requiring certain manufacturers to sell and distribute plastic beverage containers with tethered plastic beverage caps

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

1 Section 1. Article 27 of the environmental conservation law is amended
2 by adding a new title 10-A to read as follows:

TITLE 10-A

TETHERED PLASTIC BEVERAGE CAP COMPLIANCE

Section 27-1051. Definitions.

27-1053. Plastic beverage caps.

27-1055. Manufacturer compliance.

27-1057. Enforcement and penalties.

§ 27-1051. Definitions.

As used in this title:

11 1. "Plastic beverage container" means any individual bottle, can, jar,
12 carton, or other container that is comprised wholly or in large part of
13 plastic that contains a beverage. The term "plastic beverage container"
14 shall not include a bottle, jar, carton, or container that is composed
15 wholly or primarily of non-plastic materials but that contains a beverage
16 and a plastic beverage cap or a cup or other similar open or loosely
17 sealed container.

18 2. "Beverage" means any of the following products that are in liquid,
19 ready-to-drink form and are intended for human consumption: beer, cider,
20 spirits, wine, and wine products, as such terms are defined by section

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

LBD14073-05-6

1 three of the alcoholic beverage control law; malt beverages; carbonated
2 and noncarbonated water; sports drinks; carbonated and noncarbonated
3 soft drinks and fruit drinks; coffee and tea drinks; milk and dairy
4 products; and fruit and vegetable juice.

5 3. "Manufacturer" means a person that bottles or otherwise packages
6 beverage held in a plastic beverage container, or whose brand name is
7 affixed to a plastic beverage container sold, offered for sale, or
8 distributed for sale in the state; or the importer or first domestic
9 distributor of such plastic beverage container, or a person through
10 contract or control of another entity, is primarily responsible for the
11 production of a beverage held in a plastic beverage container and sold,
12 offered for sale, or distributed for sale in the state. Provided howev-
13 er, an entity with a legally recognized corporate relationship to a
14 manufacturer may voluntarily assume such manufacturer's responsibilities
15 under this title.

16 4. "Plastic beverage cap" means a cap that is composed wholly or
17 primarily of plastic and that is screwed onto or otherwise affixed to a
18 plastic beverage container.

19 § 27-1053. Plastic beverage caps.

20 1. Beginning on January first, two thousand thirty, a manufacturer
21 with gross annual beverage sale revenues of ten million dollars or more
22 shall not sell, offer for sale, or distribute for sale in the state a
23 plastic beverage container with a plastic beverage cap unless:

24 a. The plastic beverage cap is tethered to the plastic beverage
25 container in a manner that prevents the separation of the plastic bever-
26 age cap from the plastic beverage container when the plastic beverage
27 container is opened; or

28 b. The plastic beverage cap includes an opening from which the bever-
29 age can be consumed while the plastic beverage cap remains screwed onto
30 or otherwise affixed to the plastic beverage container.

31 2. Beginning on January first, two thousand thirty-three, a manufac-
32 turer with gross annual beverage sale revenues of one million dollars or
33 more shall comply with the requirements of subdivision one of this
34 section.

35 § 27-1055. Manufacturer compliance.

36 1. A manufacturer shall provide to the department upon request all
37 information necessary for the department to determine such manufactur-
38 er's compliance with the requirements of this title.

39 2. In determining whether an entity meets the definition of a manufac-
40 turer under subdivision four of section 27-1051 of this title, the
41 department shall consider the following factors:

42 (a) the ownership of the brand name of the beverage contained in the
43 plastic beverage container;

44 (b) the primary control or influence over the design of the beverage
45 contained in the plastic beverage container; and

46 (c) the primary control or influence over the design of the plastic
47 beverage container in which the beverage is contained.

48 § 27-1057. Enforcement and penalties.

49 1. Any manufacturer that violates any provision of this title shall be
50 liable for a civil penalty of one thousand dollars per violation per day
51 during which such violation continues.

52 2. The department shall promulgate any rules and regulations necessary
53 to effectuate the provisions of this title, including but not limited
54 to, the parameters of what constitutes a plastic bottle cap.

55 § 2. This act shall take effect immediately.