

# STATE OF NEW YORK

773

2025-2026 Regular Sessions

## IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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.