

STATE OF NEW YORK

9050--A

IN SENATE

January 27, 2026

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to motor fuel pollution and health impact labelling requirements

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

1 Section 1. The agriculture and markets law is amended by adding a new
2 section 192-d to read as follows:

3 § 192-d. Motor fuel pollution and health impact labelling require-
4 ments. 1. For purposes of this section, the following terms shall have
5 the following meanings:

6 (a) "Distributor" shall mean any person who transports or stores or
7 causes the transportation or storage of motor fuel at any point between
8 any plant at which motor fuel is produced and any retail outlet or
9 facility of a wholesale purchaser-consumer.

10 (b) "Motor fuel" shall mean any petroleum product, including any gaso-
11 line or diesel motor fuel, which is used for the propulsion of
12 motor vehicles.

13 (c) "Refiner" shall mean any person who owns, leases, operates,
14 controls or supervises a plant at which motor fuel is produced.

15 (d) "Reseller" shall mean any person who purchases motor fuel identi-
16 fied by the corporate, trade or brand name of a refiner from such refin-
17 er or a distributor and resells or transfers it to retailers or whole-
18 sale purchaser-consumers displaying the refiner's brand, and whose
19 assets or facilities are not substantially owned, leased or controlled
20 by such refiner.

21 (e) "Retail outlet" shall mean any establishment at which motor fuel
22 is sold or offered for sale for use in motor vehicles.

23 (f) "Retailer" shall mean any person who owns, leases, operates,
24 controls, or supervises a retail outlet.

25 (g) "Wholesale purchaser-consumer" shall mean any organization that is
26 an ultimate consumer of motor fuel and which purchases or obtains motor

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

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1 fuel from a supplier for use in motor vehicles and receives delivery of
2 that product into a storage tank of at least five hundred fifty gallon
3 capacity substantially under the control of that organization.

4 2. Every retailer and wholesale purchaser-consumer shall affix to each
5 motor fuel pump stand in a location so as to be readily visible to the
6 employees of such retailer or wholesale purchaser-consumer and to any
7 person operating motor vehicles into which motor fuel is to be dispensed
8 a sign, in both English and Spanish, with at least one-quarter inch
9 block letters on a contrasting background:

10 "WARNING: USE OF THIS PRODUCT RELEASES AIR POLLUTANTS AND GREENHOUSE
11 GASES, KNOWN BY THE STATE OF NEW YORK TO BE LINKED TO SIGNIFICANT HEALTH
12 IMPACTS AND CLIMATE CHANGE."

13 3. (a) The commissioner or the commissioner's designee, or the direc-
14 tor of a municipal consumer affairs office or such director's designee,
15 and/or a municipal director of weights and measures or such director's
16 designee, upon presentation of appropriate credentials, shall be author-
17 ized to enter during regular business hours upon or through the business
18 premises of any person who sells or offers for sale motor fuel, for the
19 purposes of making inspections to determine compliance with the
20 provisions of this section or any rules or regulations promulgated here-
21 under and under section one hundred seventy-nine of this article.

22 (b) Whenever the commissioner, or the director of a municipal consumer
23 affairs office and/or a municipal director of weights and measures, has
24 reason to believe that a violation of this section or any rule or regu-
25 lation adopted pursuant to this section has occurred, they shall be
26 authorized to make such investigation as they shall deem necessary, and
27 to the extent necessary for this purpose, they may examine any person
28 and may compel the production of all relevant records.

29 (c) Any person subject to the provisions of this section shall main-
30 tain such written records as the commissioner, or the director of a
31 municipal consumer affairs office and/or a municipal director of weights
32 and measures, may prescribe by regulation.

33 4. (a) Any person who violates the provisions of this section or any
34 rules or regulations promulgated thereunder shall be issued a warning
35 for the first violation. For the second violation the civil penalty
36 shall not exceed two hundred fifty dollars and shall not exceed one
37 thousand dollars for any subsequent violation.

38 (b) In the case of a violation through continuing failure to comply
39 with any of the provisions of this section or any rules or regulations
40 promulgated thereunder, each day of the continuance of such failure
41 shall be treated as a separate violation.

42 (c) The civil penalties prescribed by the provisions of this subdivi-
43 sion may be imposed by the commissioner, or by the director of a municip-
44 al consumer affairs office or a municipal director of weights and meas-
45 ures, as the case may be, after due notice and an opportunity to be
46 heard have been provided or may be recovered in a civil action in the
47 name of the state, or the municipality, as the case may be, commenced in
48 a court of competent jurisdiction. A right of action for the recovery of
49 a liability for the civil penalties incurred as provided in this section
50 may be released, settled or compromised by the commissioner or the
51 director of a municipal consumer affairs office or a municipal director
52 of weights and measures before the matter is referred to the attorney
53 general as provided in section forty-four of this chapter, or by the
54 attorney for the municipality, as the case may be, and thereafter may be
55 released, settled or compromised by the attorney general or the attorney
56 for the municipality, as the case may be, either before or after an

1 action is brought to recover such penalty. The commissioner or a direc-
2 tor of a municipal consumer affairs office or a municipal director of
3 weights and measures may apply for an injunction to restrain any person
4 subject to the provisions of this section from the further violation of
5 such provisions or for such other relief as the court deems proper. Any
6 plaintiff seeking such relief shall not be required to furnish security
7 and the costs of the application may be granted in the discretion of the
8 court.

9 (d) Notwithstanding the foregoing, the commissioner, or the director
10 of a municipal consumer affairs office and/or a municipal director of
11 weights and measures, as the case may be, in a manner consistent with
12 the rules, regulations or policies of such commissioner or director or
13 directors, as the case may be, shall cause to be published once each
14 month the name and business location of any person, firm or corporation
15 that has been found to have violated any provision of this section
16 during the month immediately preceding.

17 (e) The provisions of sections thirty-nine, forty and forty-one of
18 this chapter shall not apply to a violation described in this subdivi-
19 sion.

20 5. The provisions of this section and the regulations promulgated
21 thereunder may be enforced concurrently by the director of a municipal
22 consumer affairs office and/or a municipal director of weights and meas-
23 ures, except that nothing in this section or in subdivision three,
24 twelve or nineteen of section one hundred seventy-nine of this article
25 or in section one hundred ninety-two-a or one hundred ninety-two-c of
26 this article shall be construed to prohibit a political subdivision of
27 the state from also continuing to implement and enforce any local law
28 and regulations that were in effect prior to the effective date of this
29 section, and any subsequent amendments thereto, provided such local law
30 and regulations or amendments thereto are not inconsistent with require-
31 ments imposed by the provisions of this section or by regulations
32 adopted pursuant to this section. Notwithstanding the provisions of
33 section forty-five of this chapter, all moneys collected hereunder at
34 the instance of a municipal enforcement officer shall be retained by the
35 municipality.

36 6. Nothing in this section shall be deemed to limit or restrict the
37 authority of other agencies or authorities from adopting rules and regu-
38 lations that affect the composition, storage, transport, handling or
39 commerce of motor fuel for the purpose of regulating pollution, safety
40 and other health impacts.

41 7. The commissioner shall have the authority to promulgate such rules
42 and regulations as the commissioner shall deem necessary to effectuate
43 the purposes of this section, consistent with its provisions.

44 § 2. This act shall take effect one year after it shall have become a
45 law. Effective immediately, the addition, amendment and/or repeal of any
46 rule or regulation necessary for the implementation of this act on its
47 effective date are authorized to be made and completed on or before such
48 effective date.