

STATE OF NEW YORK

8391--A

2025-2026 Regular Sessions

IN ASSEMBLY

May 13, 2025

Introduced by M. of A. SEPTIMO, HYNDMAN, SIMON, KAY -- 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 returnable beverage containers; and repealing certain provisions of such law relating thereto

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

1 Section 1. Subdivision 9 of section 27-1003 of the environmental
2 conservation law, as amended by section 3 of part SS of chapter 59 of
3 the laws of 2009, is amended and a new subdivision 14 is added to read
4 as follows:

5 9. "Redemption center" means any person [~~offering~~] in compliance with
6 section 27-1013 of this title who is not a dealer and offers to pay the
7 refund value of an empty beverage container to a redeemer, or [~~any~~
8 ~~person~~] who contracts with one or more dealers or distributors to
9 collect, sort and obtain the refund value and handling fee of empty
10 beverage containers for, or on behalf of, such dealer or distributor
11 [~~under the provisions of section 27-1013 of this title~~].

12 14. "Commingling" means the sorting of beverage containers at a
13 redemption center by size and material type rather than by deposit
14 initiator in accordance with the requirements of an approved commingling
15 agreement.

16 § 2. Subdivisions 1 and 2 of section 27-1003 of the environmental
17 conservation law, as amended by section 2 of part SS of chapter 59 of
18 the laws of 2009, are amended to read as follows:

19 1. "Beverage" means carbonated soft drinks, [~~water~~] noncarbonated
20 drinks, beer, other malt beverages and a wine product as defined in
21 subdivision thirty-six-a of section three of the alcoholic beverage

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

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1 control law. "Noncarbonated drinks" means any noncarbonated liquid
2 intended for human consumption excluding "spirits" and "wine" as defined
3 in subdivisions twenty-nine and thirty-six of section three of the alco-
4 holic beverage control law, beverages with dairy milk as the primary
5 (first) ingredient, drugs regulated under the federal food, drug and
6 cosmetic act, infant formula, or meal replacement liquids. "Malt bever-
7 ages" means any beverage obtained by the alcoholic fermentation or
8 infusion or decoction of barley, malt, hops, or other wholesome grain or
9 cereal and water including, but not limited to ale, stout or malt
10 liquor. [~~"Water" means any beverage identified through the use of~~
11 ~~letters, words or symbols on its product label as a type of water,~~
12 ~~including any flavored water or nutritionally enhanced water, provided,~~
13 ~~however, that "water" does not include any beverage identified as a type~~
14 ~~of water to which a sugar has been added.]~~

15 2. "Beverage container" means the individual, separate, sealed glass,
16 metal, aluminum, steel or [~~plastic~~] polyethylene terephthalate (PET)
17 bottle, can or jar used for containing three liters or less [~~than one~~
18 ~~gallon or 3.78 liters~~] at the time of sale or offer for sale of a bever-
19 age intended for use or consumption in this state. Beverage containers
20 sold or offered for sale or distributed aboard aircraft or ships shall
21 be considered as intended for use or consumption outside this state.

22 § 3. Subdivisions 3, 6 and 8 of section 27-1007 of the environmental
23 conservation law, as added by section 4 of part SS of chapter 59 of the
24 laws of 2009, are amended to read as follows:

25 3. [~~On or~~] One year after [~~June first, two thousand nine~~] the effec-
26 tive date of the chapter of the laws of two thousand twenty-five which
27 amended this subdivision, a dealer [~~may limit the number of empty bever-~~
28 ~~age containers to be accepted for redemption at the dealer's~~] whose
29 place of business [~~to no~~] is less than [~~seventy-two containers per~~
30 ~~visit, per redeemer, per day~~] ten thousand square feet in size and whose
31 primary business is the sale of food or beverages for consumption off-
32 premises may obtain an exemption from the obligation to accept empty
33 beverage containers for redemption at such dealer's place of business
34 through an application process developed by the department, provided
35 that:

36 (a) The dealer has a written agreement with a redemption center, be it
37 either at a fixed physical location [~~within the same county and within~~
38 ~~one-half mile of the dealer's place of business,~~] or a mobile redemption
39 center, [~~operated by a redemption center,~~] that is [~~located within one-~~
40 ~~quarter mile of the dealer's place of business. The redemption center~~
41 ~~must have a written agreement with the dealer to accept containers on~~
42 ~~behalf of the dealer, and the redemption center's hours of operation~~
43 ~~must cover at least 9:00 a.m. through 7:00 p.m. daily or in the case of~~
44 ~~a mobile redemption center, the hours of operation must cover at least~~
45 ~~four consecutive hours between 8:00 a.m. and 8:00 p.m. daily.];~~

46 (i) within five miles of the dealer's place of business for dealers in
47 a rural area as defined by subdivision seven of section four hundred
48 eighty-one of the executive law; or

49 (ii) within two miles of the dealer's place of business for dealers
50 elsewhere in the state;

51 (b) The affiliated redemption center operates:

52 (i) in a fixed location at least thirty-five hours per week including
53 at least six consecutive hours on Saturdays and operates until 7:00 p.m.
54 at least one day per week; or

1 (ii) as a mobile redemption center in the designated area at least
2 fifteen hours per week including at least four consecutive hours on
3 Saturdays; and

4 (c) The dealer must post a conspicuous, permanent sign, meeting the
5 size and color specifications set forth in subdivision two of this
6 section, open to public view, identifying the location and hours of
7 operation of the affiliated redemption center or mobile redemption
8 center~~], and~~

9 ~~(b) The dealer provides, at a minimum, a consecutive two hour period~~
10 ~~between 7:00 a.m. and 7:00 p.m. daily whereby the dealer will accept up~~
11 ~~to two hundred forty containers, per redeemer, per day, and posts a~~
12 ~~conspicuous, permanent sign, meeting the size and color specifications~~
13 ~~set forth in subdivision two of this section, open to public view, iden-~~
14 ~~tifying those hours. The dealer may not change the hours of redemption~~
15 ~~without first posting a thirty day notice; and~~

16 ~~(c) The dealer's primary business is the sale of food or beverages for~~
17 ~~consumption off premises, and the dealer's place of business is less~~
18 ~~than ten thousand square feet in size].~~

19 6. In addition to the refund value of a beverage container as estab-
20 lished by section 27-1005 of this title, a deposit initiator shall pay
21 to any dealer or operator of a redemption center a handling fee [~~of~~
22 ~~three and one-half cents~~] for each beverage container accepted by the
23 deposit initiator from such dealer or operator of a redemption center.
24 Payment of the handling fee shall be as compensation for collecting,
25 sorting and packaging of empty beverage containers for transport back to
26 the deposit initiator or its designee. Payment of the handling fee may
27 not be conditioned on the purchase of any goods or services, nor may
28 such payment be made out of the refund value account established pursu-
29 ant to section 27-1012 of this title. A distributor who does not initi-
30 ate deposits on a type of beverage container is considered a dealer only
31 for the purpose of receiving a handling fee from a deposit initiator.
32 The amount of the handling fee shall be as follows:

33 (a) Three cents for each redeemed container subject to an approved
34 commingling agreement;

35 (b) Three and one-half cents for each container redeemed through a
36 reverse vending machine or other process utilizing technology that
37 recognizes the universal product code to determine if the container is
38 redeemable and accumulates information regarding the number of contain-
39 ers redeemed for the purpose of invoicing deposit initiators; and

40 (c) Four and one-half cents for all other redeemed containers.

41 8. It shall be the responsibility of the deposit initiator or distrib-
42 utor to provide to a dealer or redemption center a sufficient number of
43 bags, cartons, or other suitable containers, at no cost, for the packag-
44 ing, handling and pickup of empty beverage containers that are not
45 redeemed through a reverse vending machine. The bags, cartons, or
46 containers must be provided by the deposit initiator or distributor on a
47 schedule that allows the dealer or redemption center sufficient time to
48 sort the empty beverage containers prior to pickup by the deposit
49 initiator or distributor. In addition:

50 (a) When picking up empty beverage containers, a deposit initiator or
51 distributor shall not require a dealer or redemption center to load
52 their own bags, cartons or containers onto or into the deposit initi-
53 ator's or distributor's vehicle or vehicles or provide the staff or
54 equipment needed to do so.

55 (b) [~~A deposit initiator or distributor shall not require empty~~
56 ~~containers to be counted at a location other than the redemption center~~

~~1 or dealer's place of business. The dealer or redemption center shall
2 have the right to be present at the count.~~

3 ~~(e)]~~ A deposit initiator or distributor shall pick up empty beverage
4 containers from the dealer or redemption center at reasonable times and
5 intervals as determined in rules or regulations promulgated by the
6 department.

7 (c) Independent of procedures adopted under an approved commingling
8 agreement under section 27-1008 of this title, a deposit initiator or
9 distributor shall have the right to conduct audits of containers
10 presented for redemption by redemption centers or dealers subject to the
11 following:

12 (i) Audits may be conducted on bags, gaylords, shells, or other recep-
13 tacles used to hold empty containers as well as the contents of a
14 reverse vending machine;

15 (ii) The deposit initiator, distributor, or their agent shall notify
16 the redemption center or dealer of the audit in writing upon completion
17 of a pickup of empty containers from the site, describing the time and
18 place of the audit and allowing the redemption center or dealer to be
19 present;

20 (iii) Bags or other receptacles to be audited shall be tagged at the
21 time of pickup and include at least ten percent of containers of a
22 particular container type and size (e.g., twelve ounce aluminum cans) to
23 be audited but in no case shall fewer than one thousand containers be
24 audited;

25 (iv) Appropriate chain of custody procedures shall be implemented;

26 (v) The audit shall separate containers eligible for refund under this
27 title from containers and materials that are ineligible as specified in
28 section 27-1009 of this title, and the number of eligible containers
29 shall be compared to the number of containers represented by the redemp-
30 tion center or dealer at the time of pickup; and

31 (vi) Results of the audit shall be retained by the distributor, depos-
32 it initiator, or agent with a copy provided to the redemption center or
33 dealer.

34 (d) It shall be a violation of this title to have more than two
35 percent ineligible containers within the audited bags, gaylords, shells
36 or other receptacles used to hold empty containers, or in the audited
37 contents of a reverse vending machine. A shortfall of greater than ten
38 percent between the number of eligible containers represented by the
39 dealer or redemption center and the actual amount determined by audit
40 shall be a violation of this title. Either violation is subject to
41 adjustment as follows: for a first violation, the distributor, deposit
42 initiator, or agent shall provide a written notice warning the dealer or
43 redemption center of the nature of the violation; for a second
44 violation, a distributor, deposit initiator, or their agent, may with-
45 hold the refund and handling fee for the fraction of the ineligible
46 containers and/or shortfall in the audited bags applied to the day's
47 pickup and provide notice to the department of a second violation; for a
48 third violation, the distributor, deposit initiator, or their agent may
49 withhold the refund and handling fee for the fraction of the ineligible
50 containers and/or shortfall in the audited bags applied to one week's
51 pickups and provide notice to the department; and for any subsequent
52 violation, the adjustment shall apply to all pickups for the month and
53 the department shall be appropriately notified. The department shall
54 consider violation records when renewing or, in the case of multiple
55 violations, withdrawing registration from a redemption center.

1 § 4. Subdivision 11 of section 27-1007 of the environmental conserva-
2 tion law is REPEALED and subdivision 12 is renumbered subdivision 11.

3 § 5. Subdivision 5 of section 27-1015 of the environmental conserva-
4 tion law, as amended by section 8 of part F of chapter 58 of the laws of
5 2013, is amended to read as follows:

6 5. The department, the department of agriculture and markets, the
7 department of taxation and finance and the attorney general are hereby
8 authorized to enforce the provisions of this title and all monies
9 collected shall be deposited to the credit of the environmental
10 protection fund established pursuant to section ninety-two-s of the
11 state finance law. In addition, the provisions of section 27-1005 of
12 this title and subdivisions one, two, three, four, five[7] and ten [~~and~~
13 ~~eleven~~] of section 27-1007 of this title may be enforced by a county,
14 city, town or village and the local legislative body thereof may adopt
15 local laws, ordinances or regulations consistent with this title provid-
16 ing for the enforcement of such provisions.

17 § 6. The environmental conservation law is amended by adding a new
18 section 27-1008 to read as follows:

19 § 27-1008. Commingling.

20 1. Groups of deposit initiators and brands that wish to form a commin-
21 gling group shall meet the following criteria:

22 (a) An agreement shall include brands that represent at least thirty-
23 five percent of sales of all beverage containers in a commingling terri-
24 tory.

25 (b) One commingling territory shall include all counties in the
26 department's regions three through nine; commingling territories may be
27 established separately in department regions one and two or they may be
28 combined.

29 (c) An agreement shall clearly define criteria for deposit initiators'
30 brands to enter into or exit an approved commingling agreement and there
31 shall not be unreasonable barriers put into place on any beverage brand
32 entering or exiting the commingling agreement.

33 (d) The agreement shall specify the manufacturers, distributors,
34 and/or third party pick-up agents acting on behalf of the parties to the
35 agreement, the brands to be included, and the sorting requirements which
36 shall not include parameters other than container material type and
37 size.

38 (e) The agreement shall specify a method for determining the number of
39 containers redeemed. Such method shall be one of the following:

40 (i) The number of containers redeemed shall be based upon a count of
41 at least ten percent of the containers presented for redemption by the
42 redemption center;

43 (ii) The number of containers redeemed shall be the number of contain-
44 ers the redemption center certifies as being presented for redemption;
45 or

46 (iii) Another method approved by the commissioner as a part of the
47 commingling agreement.

48 (f) The agreement, or a cover letter to the agreement, shall identify
49 a name, address, and telephone number for a point of contact for ques-
50 tions on this agreement and to respond to complaints that the terms of
51 the agreement are not being conformed to.

52 2. A commingling agreement shall be submitted to the commissioner
53 prior to its implementation for review and approval.

54 3. If the department believes that the parties to an approved commin-
55 gling agreement are not in conformance with the minimum criteria
56 contained in this section, the commissioner shall notify the group's

1 point of contact of the alleged non-compliance. The parties shall have
2 thirty days to correct the noncompliance or provide information demon-
3 strating that the allegation of noncompliance was in error. Continued
4 noncompliance shall be grounds to revoke the approval of a commingling
5 agreement.

6 § 7. Section 27-1009 of the environmental conservation law, as amended
7 by section 4 of part F of chapter 58 of the laws of 2013, is amended to
8 read as follows:

9 § 27-1009. Refusal of acceptance.

10 1. A dealer or operator of a redemption center [~~may~~] shall refuse to
11 accept from a redeemer, and a deposit initiator or distributor [~~may~~]
12 shall refuse to accept from a dealer or operator of a redemption center
13 any empty beverage container which does not state thereon a refund value
14 as established by section 27-1005 and provided by section 27-1011 of
15 this title.

16 2. A dealer or operator of a redemption center [~~may~~] shall also refuse
17 to accept any broken bottle, corroded, crushed or dismembered container,
18 or any beverage container which contains a significant amount of foreign
19 material, as determined in rules and regulations to be promulgated by
20 the commissioner.

21 3. A dealer or operator of a redemption center and a deposit initiator
22 or distributor shall also refuse to accept for refund an empty beverage
23 container that the dealer, redemption center, deposit initiator, or
24 distributor knows or has reasonable grounds to know was purchased
25 outside of New York.

26 § 8. Paragraph a of subdivision 1 of section 27-1011 of the environ-
27 mental conservation law, as amended by section 5 of part F of chapter 58
28 of the laws of 2013, is amended to read as follows:

29 a. Every beverage container sold or offered for sale in this state
30 shall clearly indicate by permanently marking or embossing the container
31 or by printing as part of the product label the refund value of the
32 container or the letters "RV" and the words "New York" or the letters
33 "NY".

34 § 9. Subdivision 5 of section 27-1012 of the environmental conserva-
35 tion law, as amended by section 2 of part JJ of chapter 58 of the laws
36 of 2017, is amended to read as follows:

37 5. All moneys collected or received by the department of taxation and
38 finance pursuant to this title shall be deposited to the credit of the
39 comptroller with such responsible banks, banking houses or trust compa-
40 nies as may be designated by the comptroller. Such deposits shall be
41 kept separate and apart from all other moneys in the possession of the
42 comptroller. The comptroller shall require adequate security from all
43 such depositories. Of the total revenue collected, the comptroller shall
44 retain the amount determined by the commissioner of taxation and finance
45 to be necessary for refunds out of which the comptroller must pay any
46 refunds to which a deposit initiator may be entitled. After reserving
47 the amount to pay refunds, the comptroller must, by the tenth day of
48 each month, pay into the state treasury to the credit of the general
49 fund the revenue deposited under this subdivision during the preceding
50 calendar month and remaining to the comptroller's credit on the last day
51 of that preceding month; provided, however, [~~that, beginning~~]:

52 (a) Beginning April first, two thousand thirteen, [~~nineteen-million~~
53 ~~dollars,~~] and all fiscal years thereafter, [~~twenty-three~~] fifteen
54 million dollars plus all funds received from the payments due each
55 fiscal year pursuant to subdivision four of this section in excess of
56 [~~the greater of~~] the amount received from April first, two thousand

1 twelve through March thirty-first, two thousand thirteen [~~ex one hundred~~
2 ~~twenty two million two hundred thousand dollars~~], shall be deposited to
3 the credit of the environmental protection fund established pursuant to
4 section ninety-two-s of the state finance law[-]; and

5 (b) Beginning on the effective date of the chapter of the laws of two
6 thousand twenty-five which amended this subdivision and for each of the
7 next three years, twelve million dollars of the payments to the state
8 treasury to the credit of the general fund shall instead be transferred
9 to the department. Such funds shall be used solely to establish and fund
10 support to redemption centers that operate independently from dealers in
11 rural areas as defined in subdivision seven of section four hundred
12 eighty-one of the executive law or in environmental justice communities
13 and that redeem fewer than two million beverage containers per year.
14 Such support may take the form of a supplemental handling fee, capped at
15 an additional one cent per container redeemed, or the equivalent in
16 grants as determined by the department. The department may develop poli-
17 cies and procedures for the evaluation of redemption center eligibility
18 and support. The commissioner may retain up to five percent of funds
19 transferred to cover the administrative costs of such temporary support.
20 Any unused funds at the end of each year shall be returned to the gener-
21 al fund.

22 § 10. Section 27-1013 of the environmental conservation law, as
23 amended by section 7 of part F of chapter 58 of the laws of 2013, is
24 amended to read as follows:

25 § 27-1013. Redemption centers.

26 1. The commissioner is hereby empowered to promulgate rules and regu-
27 lations governing (a) the circumstances in which deposit initiators,
28 dealers and distributors, individually or collectively, are required to
29 accept the return of empty beverage containers, including beverage
30 containers processed through reverse vending machines and make payment
31 therefor; (b) the sorting of the containers which a deposit initiator or
32 distributor may require of dealers and redemption centers; (c) the
33 collection of returned beverage containers by deposit initiators or
34 distributors, including the party to whom such expense is to be charged,
35 the frequency of such pick ups and the payment for refunds and handling
36 fees thereon; (d) the right of dealers to restrict or limit the number
37 of containers redeemed, the rules for redemption at the dealers' place
38 of business, and the redemption of containers from a beverage for which
39 sales have been discontinued; (e) [~~to issue~~] the issuance of registra-
40 tions to persons, firms or corporations which establish redemption
41 centers, subject to applicable provisions of local and state laws, at
42 which redeemers and dealers may return empty beverage containers and
43 receive payment of the refund value of such beverage containers. Such
44 registrations shall be issued at no cost. [~~Should the department require~~
45 ~~by regulations adopted pursuant to this paragraph that redemption~~
46 ~~centers must obtain a registration as a condition of operation, any~~
47 ~~redemption center in business as of March first, two thousand thirteen~~
48 ~~that previously provided the department with the notification informa-~~
49 ~~tion required by regulations in effect as of such date may continue to~~
50 ~~operate as if the department had issued such redemption center a regis-~~
51 ~~tration required by regulations adopted under this paragraph; provided,~~
52 ~~however, that such redemption center shall provide the department with~~
53 ~~any other information required by regulations adopted pursuant to this~~
54 ~~paragraph.] All redemption centers in operation on January first, two
55 thousand twenty-five shall be considered to have registered, and the
56 department shall develop a process for obtaining registration informa-~~

1 tion from such pre-existing centers within one year of the effective
2 date of the chapter of the laws of two thousand twenty-five which
3 amended this section. Redemption centers shall allow the department to
4 conduct facility inspections and shall meet all applicable requirements
5 prior to registration. The registration application shall include the
6 name, address, and contact information for the redemption center, its
7 hours of operation, the types of beverage containers to be accepted, the
8 name and address of any dealer with which it has a written agreement to
9 provide redemption services under subdivision three of section 27-1007
10 of this title, for pre-existing centers the number of beverage contain-
11 ers accepted for refund in the most recently completed fiscal year, and
12 any additional information required by the commissioner. The commission-
13 er shall approve registration applications if the commissioner finds
14 that the facility will provide a convenient service for the return of
15 empty beverage containers and meets all registration and operating
16 requirements enumerated in this title. Registrations shall be renewed no
17 less frequently than every three years. The commissioner shall annually
18 publish and post on the department's website a list of registered
19 redemption centers and the total aggregate number of redeemed containers
20 handled by such centers in the prior year. All registrations are subject
21 to suspension or non-renewal for good cause shown, including but not
22 limited to unsafe practices, falsification of reports, or serious or
23 continued violation of this title. The department may, after due notice
24 and opportunity of hearing, pursuant to the provisions of section
25 71-1709 of this chapter, deny an application or revoke a registration.
26 In determining whether or not to revoke a registration the commissioner
27 shall at a minimum, take into consideration the compliance history of a
28 violator, good faith efforts of a violator to comply, any economic bene-
29 fit from noncompliance and whether the violation was procedural in
30 nature. The commissioner's determination to revoke a registration is
31 subject to review under article seventy-eight of the civil practice law
32 and rules; and (f) the operation of mobile redemption centers in order
33 to ensure that to the best extent practicable containers are not prof-
34 ferred for redemption to a deposit initiator or distributor outside of
35 the geographic area where such deposit initiator sells containers and
36 initiates deposits.

37 2. The department may require a redemption center to obtain a permit,
38 ~~[as an alternative]~~ in addition to registration if such center is
39 located at the same facility or site as another solid waste management
40 facility otherwise subject to the requirements of title seven of this
41 article or the regulations promulgated pursuant thereto.

42 3. No dealer or distributor, as defined in section 27-1003 of this
43 title, shall be required to obtain a permit to operate a redemption
44 center at the same location as the dealer's or distributor's place of
45 business. Operators of such redemption centers shall receive payment of
46 the refund value of each beverage container from the appropriate deposit
47 initiator or distributor as provided under section 27-1007 of this
48 title.

49 4. Each dealer and redemption center shall require any person tender-
50 ing for redemption more than two thousand five hundred containers at one
51 time to such dealer or redemption center to provide such person's name
52 and address ~~[and]~~, the license plate of the vehicle used to transport
53 the containers, or, in the case of an agent or employee of a not-for-
54 profit corporation, a sales tax exemption certificate, and a certifi-
55 ication that to the best of such person's knowledge the containers were
56 originally sold as filled beverage containers in this state and were not

1 previously redeemed. After complying with at least one of these
2 requirements, a person need not comply each subsequent time such person
3 tenders to a dealer or redemption center for redemption more than two
4 thousand five hundred beverage containers if all of the containers were
5 collected at one location in this state, all proceeds of the refund
6 value benefit a nonprofit organization that has been determined by the
7 United States internal revenue service to be exempt from taxation under
8 section 501 (c) (3) of the United States internal revenue code of 1986,
9 and the person tendering the containers for redemption signs a declara-
10 tion indicating such person's name, the address of the collection point
11 and the name of the organization or organizations that will receive the
12 refund value. The dealer or redemption center redeeming the beverage
13 containers shall keep the information on file for a minimum of twelve
14 months and provide [~~same~~] the information to the department upon
15 request.

16 § 11. This act shall take effect immediately; provided, however, that
17 section two of this act shall take effect July 1, 2029.