STATE OF NEW YORK

1706

2025-2026 Regular Sessions

IN SENATE

January 13, 2025

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts

AN ACT to amend the state finance law, in relation to requiring all state agencies and offices to cease purchasing single-use plastic water bottles and provides for the installation of water bottle filling stations

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

Section 1. Legislative intent. 1. The legislature finds and declares that:

(a) climate change is adversely affecting the people of New York and poses a threat to public health, the well-being of our communities and families, and our state's economy and infrastructure;

(b) the combustion of fossil fuels is a primary cause of greenhouse gas emissions that cause climate change;

(c) the production of plastic bottles relies on fossil fuels, and most plastic bottles are made from petroleum-based polyethylene terephthalate in refineries that run on fossil fuels;

(d) plastic pollution has resulted in harm to communities in New York;

(e) by some estimates Americans throw away about 2.5 million plastic bottles every hour;

(f) plastic pollution harms wildlife across New York, including in our ocean ecosystems; and

(g) purchasing single-use plastic water bottles instead of utilizing less harmful alternatives is inconsistent with the best interests of the people of the state.

2. Therefore, the legislature determines it to be in the best interest of the state to require all state departments, agencies and offices to cease purchasing single-use plastic water bottles and to require that installation of water bottle filling stations on premises occupied by the department, agency or office.

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

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§ 2. The state finance law is amended by adding a new section 163-e to read as follows:

§ 163-e. Prohibition on the purchase of single-use plastic water bottles. 1. (a) All state agencies and offices shall cease or reduce their purchase of single-use plastic water bottles in accordance with the provisions of this section.

(b) Nothing in this section shall be construed to prevent the purchase of single-use plastic water bottles by a state agency or office under the following circumstances:

(i) when no alternative is available or practicable;

(ii) when necessary to protect the health, safety, and welfare of residents of the state;

(iii) when compliance with this section would conflict with contract requirements or labor agreements in existence as of the effective date of this section or agreements solicited before the effective date of this section; or

(iv) to prepare for or respond to an emergency.

(c) In addition, each state agency and office shall provide for disability or accessibility related accommodations in its planning efforts.

2. (a) The commissioner of general services is hereby authorized to enter into one or more contracts for the installation of water bottle filling stations on premises occupied by all state agencies and offices, including the Capitol Building and buildings of the Empire State Plaza. Such filling stations may be installed at existing water fountains or may be installed separately if no water fountain is available.

(b) (i) The office of general services shall establish guidelines concerning the installation of water bottle filling stations as well as the qualifications required for the installation of water bottle filling stations by contractors and subcontractors pursuant to section one hundred sixty-three of this article. Such guidelines shall implement a certification process with minimum standards for contractors and subcontractors to file with the contracting state agency or office upon completion of a project.

(ii) Any state agency or office contract for the installation of water bottle filling stations shall include provisions requiring contractors and subcontractors doing work involving the installation of water bottle filling stations to certify that all work completed meets the minimum standards established under this section by the office of general services regarding such installations.

(iii) Any certifications required by this section shall be kept current for the duration of the contract.

3. No later than one year after the effective date of this section, all state agencies and offices shall submit to the state procurement council and to the New York state climate action council established pursuant to section 75-0103 of the environmental conservation law, a summary of:

(a) the steps they have taken to:

(i) halt the expenditures of state funds for the purchase of single-use plastic water bottles;

(ii) reduce the sale or re-sale of single-use plastic water bottles on state-owned property; and

(b) the number of water bottle filling stations installed on the premises of the state agency or office.

4. All New York quasi-public authorities and boards are encouraged to adopt their own plans to eliminate their purchasing and sale of single-use plastic water bottles.

5. As used in this section, the following terms shall have the following meanings:

(a) "Single-use plastic water bottle" means a beverage in a sealed rigid plastic bottle having a capacity of twenty-one fluid ounces or less.

(b) "State agencies and offices" means all state departments, boards, commissions, offices or institutions under the executive, legislative and judicial branches of the state. For the purposes of this section the term "state agencies and offices" shall exclude the state university of New York; the city university of New York; and any residential care center for adults or residential treatment facility for children and youth, as such terms are defined by section 1.03 of the mental hygiene law, or any other program or facility certified by the office for people with developmental disabilities.

§ 3. This act shall take effect one year after it shall have become a law and shall apply to the purchase of single-use plastic water bottles on and after such effective date.