

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2016**

No. 81

Introduced by Council Members Lander, Chin, Reynoso, the Public Advocate (Ms. James) and Kallos.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to reducing the use of carryout bags.

Be it enacted by the Council as follows:

Section 1. Subdivision e of section 16-492 of the administrative code of the city of New York, as added by local law number 63 for the year 2016, is amended to read as follows:

e. Covered stores may provide their customers with reusable carryout bags free of charge [for a two-week period] from [October 1, 2016] *February 15, 2017*, to [October 14, 2016] *April 30, 2017*. In addition, covered stores may provide their customers with reusable carryout bags free of charge for a two-week period each year from April 17 to April 30.

§ 2. Subdivision e of section 16-495 of the administrative code of the city of New York, as added by local law number 63 for the year 2016, is amended to read as follows:

e. On or before [January 1] *March 1*, 2019, the commissioner shall issue a study on the effect of the law on residents, which shall include, but need not be limited to, determining the percentage reduction in single-use plastic or paper carryout bags usage by residents; residents' attitudes toward the law, disaggregated by race and income; and whether residents are substituting other types of plastic bags for single-use carryout bags. The commissioner shall also include an

assessment on the potential effectiveness of coupling a ban on single-use plastic carryout bags with the carryout bag fee in reducing the amount of carryout bags in the waste stream.

§ 3. Subdivision c of section 16-496 of the administrative code of the city of New York, as added by local law number 63 for the year 2016, is amended to read as follows:

c. Any covered store that violates section 16-491 or subdivision b, c or d of section 16-492 or any rules promulgated pursuant thereto shall be liable for a civil penalty of \$250 for a first violation and \$500 for any subsequent violation of the same section or subdivision of this chapter or rule promulgated pursuant thereto within an eighteen-month period, except that the department and the department of consumer affairs shall not issue a notice of violation, but shall issue a warning for any violation that occurs during the six-month period from [October 1, 2016] *February 15, 2017*, to [March 31] *August 14, 2017*. For purposes of this chapter, each commercial transaction shall constitute no more than one violation.

§ 4. Section 2 of local law number 63 for the year 2016 is amended to read as follows:

§ 2. This local law takes effect [October 1, 2016] *February 15, 2017*, except that section 16-495 of the administrative code of the city of New York, as added by section one of this local law, takes effect immediately, and except that the commissioner of sanitation and the commissioner of consumer affairs may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

§ 5. This local law takes effect on February 15, 2017, except for section four which takes effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on June 21, 2016 and approved by the Mayor on June 28, 2016.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 81 of 2016, Council Int. No. 1223 of 2016) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel