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Title: A Local Law to amend the administrative code of the city of New York, in relation to reducing the use of plastic carryout bags and the repeal of local law number one for the year 2008.

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Int. No. 82

By Council Members Koppell, James, Van Bramer and Jackson

A Local Law to amend the administrative code of the city of New York, in relation to reducing the use of plastic carryout bags and the repeal of local law number one for the year 2008.

Be it enacted by the Council as follows:

Section 1. Chapter 4-B of title 16 of the administrative code of the city of New York, as added by local law number 1 for the year 2008, is REPEALED and a new Chapter 4-B is added to read as follows:

CHAPTER 4-B
§ 16-450 Title
§ 16-451 Definitions
§ 16-452 Mandatory Use of Recyclable and Compostable Checkout Bags
§ 16-453 Penalties

§16-450 Title. This chapter shall be known as and may be cited as the "New York city plastic bag reduction law."

§16-451 Definitions. When used in this chapter the following terms shall have the following meanings: a. "ASTM standard" means the international standard D6400 of the american society for testing and materials for compostable plastic, as that standard may be amended.

b. "Chain of stores" means five or more stores located within the city of New York that are engaged in the same general field of business and (1) conduct business under the same business name or (2) operate under common ownership or management or pursuant to a franchise agreement with the same franchisor.

c. "Checkout bag" means a bag that is provided by a store to a customer at the point of sale for the carrying from the store of purchases made at the store.

d. "Compostable plastic bag" means a plastic bag that (1) conforms to the ASTM standard; (2) is certified and labeled as meeting the ASTM standard by a recognized verification entity such as, but not limited to, the biodegradable product institute; (3) is certified to ensure that the renewable based product content is maximized; and (4) displays the word "Compostable" and the word "Reusable" in a highly visible manner on the outside of the bag.

e. "Food service establishment" means any establishment (1) where the primary business is providing food for individual portion service directly to the consumer, whether consumption of such food occurs on or off the premises or such service is provided in a building or from a pushcart, stand or vehicle, and (2) that is subject to the permit requirement contained in section 81.05 of the New York city health code as such section may be amended.

f. "Highly visible manner" means, (1) displaying both of the following in green lettering that is at least two inches high and contrasts with the bag's background color: (i) the phrase "Compostable" either on the front and back of the bag together with a solid green band at least one-half inch thick circling the circumference of the bag, or repeatedly, as a band of text or text alternating with a solid stripe, circling the circumference of the bag, and (ii) the word "Reusable" displayed on the front and/or back of the bag; and (2) for recyclable paper bags, displaying the words "Reusable" and "Recyclable" on the front and/or back of the bag in blue lettering

that is at least two inches high which contrasts with the bag's background color.

g. "Person" means an individual, trust, firm, joint stock company, corporation, cooperative, partnership, or association.

h. "Recyclable" means solid waste that may be separated, collected, processed, marketed and returned to the economy in the form of raw materials or products. Recycling does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

i. "Recyclable paper bag" means a paper bag that meets all of the following requirements: (1) contains no old growth fiber, (2) is one hundred percent recyclable, (3) contains a minimum of forty percent post-consumer recycled content, and (4) displays the words "Reusable" and "Recyclable" in a highly visible manner on the outside of the bag.

j. "Reusable Bag" means a bag with handles that is specifically designed and manufactured for multiple use and is either (1) made of cloth or other machine washable fabric, or (2) made of durable plastic that is at least 2.25 mils thick.

k. "Store" means a retail or wholesale establishment, other than a food service establishment, that sells products and provides checkout bags to consumers in which to place these products and (1) has over five thousand square feet of retail or wholesale space or (2) is one of a chain of stores.

§16-452 Mandatory use of recyclable and compostable checkout bags. a. The provision of checkout bags for customers by all stores shall be limited to recyclable paper bags, compostable plastic bags, or reusable bags, or any combination of such bags, as checkout bags for customers.

b. Nothing in this section shall preclude any store from making reusable bags available for sale to customers.

§16-453 Penalties. a. Any person who violates section 16-452 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board in the amount of (1) one hundred dollars for the first violation; (2) seven hundred dollars for a second violation within any twelve-month period;

and (3) one thousand dollars for a third or subsequent violation within any twelve-month period.

b. The department and the department of consumer affairs shall have the authority to enforce all provisions of this chapter.

§ 2. This local law shall take effect six months after enactment, except that the commissioner of sanitation shall take such actions, including the promulgation of rules, as are necessary for its implementation prior to such effective date.

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