

1 tangible personal property or service sold is exempt from tax under
2 article twenty-eight of the tax law.

3 4. "Reusable bag" means a bag: (a) made of cloth or other machine
4 washable fabric that has handles; or (b) a durable bag with handles that
5 is specifically designed and manufactured for multiple reuse.

6 5. "Person required to collect tax" means any vendor of tangible
7 personal property subject to the tax imposed by subdivision (a) of
8 section eleven hundred five of the tax law.

9 § 27-2803. Plastic carryout bag ban.

10 1. No person required to collect tax shall distribute any plastic
11 carryout bags to its customers unless such bags are exempt bags as
12 defined in subdivision one of section 27-2801 of this title.

13 2. No person required to collect tax shall prevent a person from using
14 a bag of any kind that they have brought for purposes of carrying goods.

15 3. Nothing in this section shall be deemed to exempt the provisions
16 set forth in title 27 of this article relating to at store recycling.

17 § 27-2805. Paper carryout bag reduction fee.

18 1. (a) Notwithstanding any other provision of law to the contrary, any
19 city and any county, other than a county wholly within such a city,
20 acting through its local legislative body, is hereby authorized and
21 empowered to adopt and amend local laws, ordinances or resolutions
22 imposing a paper carryout bag reduction fee within the territorial
23 limits of such city or county, to take effect on or after March first,
24 two thousand twenty. Notwithstanding the foregoing, if a county and a
25 city wholly within such county both impose such fee, the fee imposed by
26 such county shall not apply within the territorial limits of such city.

27 (b) Such paper carryout bag reduction fee, whether or not any tangible
28 personal property is sold therewith, shall be imposed at a rate of five
29 cents on each paper carryout bag provided by a person required to
30 collect tax to a customer in this state; provided, however, that such
31 paper carryout bag reduction fee shall not be imposed on paper carryout
32 bags that are subject to a fee on the provision of such paper carryout
33 bag pursuant to a local law or ordinance that was adopted prior to the
34 effective date of this section. The paper carryout bag reduction fee
35 must be reflected and made payable on the sales slip, invoice, receipt,
36 or other statement of the price rendered to the customer.

37 (c) Such paper carryout bag reduction fee shall not constitute a
38 receipt for the sale of tangible personal property subject to tax pursu-
39 ant to article twenty-eight and pursuant to the authority of article
40 twenty-nine of the tax law, and transfer of a bag to a customer by a
41 person required to collect tax shall not constitute a retail sale.

42 (d) It shall be unlawful for a municipal corporation to adopt or amend
43 a local law, ordinance or resolution requiring the imposition of any fee
44 on the provision of a paper carryout bag except as expressly authorized
45 by this section. Where a municipal corporation that adopted such a local
46 law, ordinance or resolution prior to the effective date of this section
47 is, or is located in, a county that has imposed a paper carryout bag
48 reduction fee pursuant to this section, such municipal corporation shall
49 be prohibited from requiring the imposition of a fee on any provision of
50 paper carryout bags that occurs more than one year after such county
51 paper carryout bag reduction fee takes effect.

52 2. Any such local law, ordinance or resolution adopted pursuant to
53 this section shall state the amount of the paper carryout bag reduction
54 fee and the date on which a person required to collect tax shall begin
55 to add such paper carryout bag reduction fee to the sales slip, invoice,
56 receipt, or other statement of the price rendered to its customers. No

1 such local law, ordinance or resolution shall be effective unless a
2 certified copy of such law, ordinance or resolution is mailed by regis-
3 tered or certified mail to the commissioner of taxation and finance in
4 accordance with the provisions of subdivisions (d) and (e) of section
5 twelve hundred ten of the tax law.

6 3. The paper carryout bag reduction fee imposed by this section shall
7 not apply to any customer using the supplemental nutritional assistance
8 program, special supplemental nutrition program for women, infants and
9 children, or any successor programs used as full or partial payment for
10 the items purchased.

11 4. The paper carryout bag reduction fee must be reported and paid to
12 the commissioner of taxation and finance on a quarterly basis on or
13 before the twentieth day of the month following each quarterly period
14 ending on the last day of February, May, August and November, respec-
15 tively. The payments must be accompanied by a return in the form and
16 containing the information the commissioner of taxation and finance may
17 prescribe.

18 5. Any sales slip, invoice, receipt, or other statement of price
19 furnished by a person required to collect tax to a customer shall sepa-
20 rately state the paper carryout bag reduction fee and shall state the
21 number of bags provided to the customer.

22 6. (a) Except as otherwise provided in this section, any paper carry-
23 out bag reduction fee imposed under the authority of this section shall
24 be administered and collected by the commissioner of taxation and
25 finance in a like manner as the taxes imposed by articles twenty-eight
26 and twenty-nine of the tax law. All the provisions of articles twenty-
27 eight and twenty-nine of the tax law, including the provisions relating
28 to definitions, exemptions, returns, personal liability for the tax,
29 collection of tax from the customer, payment of tax and the adminis-
30 tration of the taxes imposed by such article, shall apply to the paper
31 carryout bag reduction fee imposed under the authority of this section,
32 with such modifications as may be necessary in order to adapt the
33 language of those provisions to the paper carryout bag reduction fee
34 imposed under the authority of this section. Those provisions shall
35 apply with the same force and effect as if the language of those
36 provisions had been set forth in full in this section, except to the
37 extent that any of those provisions is either inconsistent with a
38 provision of this section or is not relevant to the paper carryout bag
39 reduction fee imposed under the authority of this section. For purposes
40 of this section, any reference in this chapter to a tax or the taxes
41 imposed by articles twenty-eight and twenty-nine of the tax law shall be
42 deemed also to refer to the paper carryout bag reduction fee imposed
43 under the authority of this section unless a different meaning is clear-
44 ly required.

45 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
46 sion:

47 (1) the exemptions provided for in section eleven hundred sixteen of
48 the tax law, other than the exemptions in paragraphs one, two and three
49 of subdivision (a) of such section, shall not apply to the paper carry-
50 out bag reduction fees imposed under the authority of this section;

51 (2) the credit provided in subdivision (f) of section eleven hundred
52 thirty-seven of the tax law shall not apply to this section.

53 (c) Notwithstanding the provisions of paragraph (a) of this subdivi-
54 sion or subdivision (a) of section eleven hundred forty-six of the tax
55 law, the commissioner of taxation and finance may, in his or her
56 discretion, permit the commissioner or his or her authorized represen-

1 tative to inspect any return related to the paper carryout bag reduction
2 fee filed under this section, or may furnish to the commissioner or his
3 or her authorized representative any such return or supply him or her
4 with information concerning an item contained in any such return, or
5 disclosed by any investigation of a liability under this section.

6 7. All paper carryout bag reduction fee monies and any related penal-
7 ties and interest remitted to the commissioner of taxation and finance
8 under this section, except as hereinafter provided, shall be deposited
9 daily with such responsible banks, banking houses, or trust companies as
10 may be designated by the state comptroller. Of the revenues deposited,
11 the comptroller shall retain in the comptroller's hands such amount as
12 the commissioner of taxation and finance may determine to be necessary
13 for refunds or reimbursements of the fees collected or received pursuant
14 to this section, out of which the comptroller shall pay any refunds or
15 reimbursements of such fees to which persons shall be entitled under the
16 provisions of this section. The comptroller, after reserving such refund
17 and reimbursement fund shall, on or before the twelfth day of each
18 month, pay to the appropriate fiscal officers of the counties or cities
19 imposing tax under subdivision one of this section an amount equal to
20 forty percent of the paper carryout bag reduction fee monies and any
21 related penalties and interest collected by the commissioner of taxation
22 and finance in respect of each such county or city in the preceding
23 calendar month to be used for the purpose of purchasing and distributing
24 reusable bags, with priority given to low- and fixed-income communities.
25 Provided further that at the end of each fiscal year, any funds which
26 have not been used for the purpose defined in this section shall be
27 returned to the comptroller and be deposited into the general fund to be
28 used for the purpose of purchasing and distributing reusable bags with
29 priority given to low- and fixed-income communities. Any remaining
30 amount of paper carryout bag reduction fee monies and any related penal-
31 ties and interest shall be deposited monthly into the environmental
32 protection fund established pursuant to section ninety-two-s of the
33 state finance law.

34 § 27-2807. Violations.

35 1. Any person required to collect tax who violates any provision of
36 section 27-2803 of this title shall receive a warning notice for the
37 first such violation. A person required to collect tax shall be liable
38 to the state of New York for a civil penalty of two hundred fifty
39 dollars for the first violation after receiving a warning and five
40 hundred dollars for any subsequent violation in the same calendar year.
41 For purposes of this section, each commercial transaction shall consti-
42 tute no more than one violation. A hearing or opportunity to be heard
43 shall be provided prior to the assessment of any civil penalty.

44 2. The department, the department of agriculture and markets, and the
45 attorney general are hereby authorized to enforce the provisions of this
46 title, and all monies collected shall be deposited to the credit of the
47 environmental protection fund established pursuant to section ninety-
48 two-s of the state finance law.

49 § 27-2809. Preemption of local law.

50 Jurisdiction in all matters pertaining to plastic carryout bags is
51 vested exclusively in the state.

52 § 3. Subdivision 4 of section 63 of the alcoholic beverage control
53 law, as amended by chapter 360 of the laws of 2017, is amended to read
54 as follows:

55 4. No licensee under this section shall be engaged in any other busi-
56 ness on the licensed premises. The sale of lottery tickets, when duly

1 authorized and lawfully conducted, the sale of reusable bags as defined
2 in section 27-2801 of the environmental conservation law, the sale of
3 corkscrews or the sale of ice or the sale of publications, including
4 prerecorded video and/or audio cassette tapes, or educational seminars,
5 designed to help educate consumers in their knowledge and appreciation
6 of alcoholic beverages, as defined in section three of this chapter and
7 allowed pursuant to their license, or the sale of non-carbonated, non-
8 flavored mineral waters, spring waters and drinking waters or the sale
9 of glasses designed for the consumption of wine, racks designed for the
10 storage of wine, and devices designed to minimize oxidation in bottles
11 of wine which have been uncorked, or the sale of gift bags, gift boxes,
12 or wrapping, for alcoholic beverages purchased at the licensed premises
13 shall not constitute engaging in another business within the meaning of
14 this subdivision. Any fee obtained from the sale of an educational semi-
15 nar shall not be considered as a fee for any tasting that may be offered
16 during an educational seminar, provided that such tastings are available
17 to persons who have not paid to attend the seminar and all tastings are
18 conducted in accordance with section sixty-three-a of this article.

19 § 4. Subdivision 3 of section 92-s of the state finance law, as
20 amended by section 1 of part AA of chapter 58 of the laws of 2018, is
21 amended to read as follows:

22 3. Such fund shall consist of the amount of revenue collected within
23 the state from the amount of revenue, interest and penalties deposited
24 pursuant to section fourteen hundred twenty-one of the tax law, the
25 amount of fees and penalties received from easements or leases pursuant
26 to subdivision fourteen of section seventy-five of the public lands law
27 and the money received as annual service charges pursuant to section
28 four hundred four-n of the vehicle and traffic law, all moneys required
29 to be deposited therein from the contingency reserve fund pursuant to
30 section two hundred ninety-four of chapter fifty-seven of the laws of
31 nineteen hundred ninety-three, all moneys required to be deposited
32 pursuant to section thirteen of chapter six hundred ten of the laws of
33 nineteen hundred ninety-three, repayments of loans made pursuant to
34 section 54-0511 of the environmental conservation law, all moneys to be
35 deposited from the Northville settlement pursuant to section one hundred
36 twenty-four of chapter three hundred nine of the laws of nineteen
37 hundred ninety-six, provided however, that such moneys shall only be
38 used for the cost of the purchase of private lands in the core area of
39 the central Suffolk pine barrens pursuant to a consent order with the
40 Northville industries signed on October thirteenth, nineteen hundred
41 ninety-four and the related resource restoration and replacement plan,
42 the amount of penalties required to be deposited therein by section
43 71-2724 of the environmental conservation law, all moneys required to be
44 deposited pursuant to article thirty-three of the environmental conser-
45 vation law, all fees collected pursuant to subdivision eight of section
46 70-0117 of the environmental conservation law, all moneys collected
47 pursuant to title thirty-three of article fifteen of the environmental
48 conservation law, beginning with the fiscal year commencing on April
49 first, two thousand thirteen, nineteen million dollars, and all fiscal
50 years thereafter, twenty-three million dollars plus all funds received
51 by the state each fiscal year in excess of the greater of the amount
52 received from April first, two thousand twelve through March thirty-
53 first, two thousand thirteen or one hundred twenty-two million two
54 hundred thousand dollars, from the payments collected pursuant to subdi-
55 vision four of section 27-1012 of the environmental conservation law and
56 all funds collected pursuant to section 27-1015 of the environmental

1 conservation law, all moneys required to be deposited pursuant to
2 sections 27-2805 and 27-2807 of the environmental conservation law, and
3 all other moneys credited or transferred thereto from any other fund or
4 source pursuant to law. All such revenue shall be initially deposited
5 into the environmental protection fund, for application as provided in
6 subdivision five of this section.

7 § 5. This act shall take effect March 1, 2020.