

§ 399-21. Legislative intent.

- A. This Legislature finds and determines that each year an estimated 500 billion to one trillion plastic bags are used worldwide, and billions of these bags end up as litter each year. In the United States alone, retail checkout counters distribute about 100 billion plastic bags, and it takes approximately 35 million barrels of oil to produce them.
- B. This Legislature further finds and determines that most plastic carryout bags do not biodegrade, which means that the bags break down into smaller and smaller toxic bits that contaminate soil and waterways and enter into the food web when animals accidentally ingest those materials.
- C. This Legislature further finds that plastic shopping bags are relatively resource efficient, reusable and one-hundred-percent recyclable, that recycling plastic bags is a robust and growing industry across the United States, the number of programs that recycle plastic bags is increasing daily, that millions of pounds of plastic bags are recycled each year into durable outdoor decking and low-maintenance fencing.
- D. This Legislature also finds that plastic bags are a relatively resource-efficient choice as they require 40% less energy to manufacture than paper bags, require 91% less energy to recycle pound for pound compared to paper, and produce 70% fewer air emissions than manufacturing paper bags.
- E. This Legislature hereby finds and determines that any incidental costs of the recycling program established by this article are outweighed by the benefits to the environment from the increased recycling of plastic bags.
- F. This Legislature hereby also finds that the proposed recycling program furthers New York State policy which favors programs that maximize material reuse and recycling and programs that use energy-efficient recycling processes.
- G. Therefore, the purpose of this article is to encourage the use of reusable bags by consumers and retailers, to reduce the consumption of single-use bags, and to require an at-store recycling program for plastic bags.

§ 399-22. Definitions.

As used in this article, the following terms shall have the meanings indicated:

OPERATOR -- A person in control of, or having daily responsibility for, the daily operation of a store, which may include, but is not limited to, the owner of the store.

PLASTIC CARRYOUT BAG -- A plastic carryout bag provided by a store to a customer at the point of sale and which is composed of LDPE (low-density polyethylene), LLDPE (linear low-density polyethylene), MDPE (medium-density polyethylene) or HDPE (high-density polyethylene).

REUSABLE BAG --

A. A bag made of cloth or other machine-washable fabric that has handles; or

B. A durable plastic bag with handles that is at least 2.25 mils thick and is specifically designed and manufactured for multiple reuse.

STORE -- A retail establishment that provides plastic carryout bags to its customers as a result of the sale of a consumer good, and 10,000 square feet or more of the store's selling area floor space is used for the sale of consumer goods.

§ 399-23. Establishment of program.

The operator of a store shall establish an at-store recycling program, pursuant to the provisions of this article, that provides an opportunity for members of the public to return to the store clean plastic carryout bags from any source.

§ 399-24. Requirements.

An at-store recycling program provided by the operator of a store shall require that:

A. A plastic carryout bag collection bin be placed at or near the entrance to each store, and such bin shall be highly visible and shall indicate that the bin is intended for recycling and not for the discarding of garbage; such collection bin shall be easily accessible to the consumer; and such collection bin shall be clearly marked that the collection bin is available for the purpose of collecting and recycling plastic carryout bags only.

B. All plastic carryout bags collected by the store be collected, transported and recycled in a manner consistent with all applicable laws or any rule or regulation promulgated pursuant to this article.

C. The operator of a store having 20,000 square feet or more of the selling area floor space used for the sale of consumer goods shall make reusable bags available to customers within the store, which bags may be purchased and used in lieu of using a plastic carryout bag or paper bag.

§ 399-25. Penalties for offenses.

Any operator who violates any provision of this article shall be punished by a fine not to exceed \$250 for a first offense; by a fine not to exceed \$500 for a second offense; and by a fine not to exceed \$1,000 for a third and each subsequent offense committed in any twelve-month period.

§ 399-26. Promulgation of rules and regulations.

The Commissioner of the Suffolk County Department of Environment and Energy shall promulgate any rules and regulations as it deems necessary and appropriate for the implementation and enforcement of any provisions of this article.

§ 399-27. Applicability; effective date.

This article shall apply to all actions occurring on or after January 1, 2009.

§ 399-28. Reverse preemption.

This article shall be null and void on the day that statewide or federal legislation goes into effect incorporating either the same or substantially similar provisions as are contained in this article, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Suffolk. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions of this section.