Frequently Asked Questions:
The New York State Bag Waste Reduction Act
(Environmental Conservation Law Article 27, Title 28)

Who does the single-use plastic ban apply to?
The ban will apply to anyone required to collect New York State sales tax. For sales that are tax exempt, plastic carryout bags are still not allowed to be distributed by anyone required to collect state sales tax (unless it is an exempt bag).

What if my county already has a plastic bag law?
The legislation explicitly preempts local plastic bag laws.

Are there exemptions to the ban?
Yes. The following film plastic bags are exempt from the ban:
1. Bags used solely to contain or wrap uncooked meat, fish, or poultry;
2. Bags used by a customer solely to package bulk items (e.g. fruits, vegetables, grains, or candy);
3. Bags used solely to contain food sliced or prepared to order;
4. Bags used solely to contain a newspaper for delivery to a subscriber;
5. Bags sold in bulk to a consumer at the point of sale;
6. Trash bags;
7. Food storage bags;
8. Garment bags;
9. Bags prepackaged for sale to a customer;
10. Plastic carryout bags provided by a restaurant, tavern or similar food service establishment to carryout or deliver food;
11. Bags provided by a pharmacy to carry prescription drugs;
12. Bags for which there is no reasonable or practical alternative for storing, containing or transporting items, as determined by the NYS Department of Environmental Conservation (NYSDEC).

Are stores still required to collect and recycle plastic bags?
Yes. Stores covered under the NYS Plastic Bag Reduction, Reuse and Recycling Act will still be required to collect plastic bags and other film plastics from consumers for recycling. Shoppers can recycle the following items at no cost: grocery bags, garment bags, retail bags with string ties removed, newspaper bags, dry cleaning bags, produce bags, bread bags, cereal bags, over wrap from paper products (e.g. paper towels, toilet paper, etc.), stretch/shrink wrap, zip top food storage bags, bubble wrap, air pillows found inside shipping packages, shipping envelopes with the labels removed, furniture, and electronic wrap.

Are stores required to provide an alternative bag?
Stores are not required to have paper bags available for customers; however, they must: (1) make reusable bags available to customers within the store for purchase or at no charge; and (2) permit a reusable bag to be used by a customer in lieu of a paper carryout bag.

Updated 2/5/20
The law defines a store as a retail establishment that provided plastic carryout bags to its customers as a result of the sale of a product any time prior to March 1, 2020, and meets one or more of the following criteria: (1) has over 10,000 square feet of retail space; or (2) the retail establishment is part of a chain engaged in the same general field of business which operates five or more units of over 5,000 square feet of retail space in New York State under common ownership and management.

**Are certified compostable bags banned from distribution?**
The ban covers plastic carryout bags as defined in statute. If the certified compostable bag meets the definition of a plastic carryout bag and is not covered by an exemption (described above), then it cannot be distributed.

DEC is developing regulations with respect to the ban on film plastic bags; allowable reusable bags; the recycling of film plastic by stores; and related requirements for manufacturers. The proposed regulations include a requirement that manufacturers of compostable plastic bags or other non-petroleum-based bags (except paper carryout bags) sold to stores in New York State must have a warning printed on the bag with the words “Compostable Bag – Do Not Place in a Recycling Bin.” The latest information regarding these regulations is available at the following address: [https://www.dec.ny.gov/regulations/118810.html](https://www.dec.ny.gov/regulations/118810.html).

**How can my county adopt a fee on paper bags?**
The legislation allows the legislative body of any county and city to impose a fee on paper carryout bags through local law to take effect on or after March 1, 2020. This is an opt-in, meaning there will be no fee unless the county or city chooses to act. If a county and a city wholly within such county both impose a fee, then the fee imposed by such county does not apply within the territorial limits of the city.

**Does my county have to adopt a fee?**
No. There will be no fee unless the county (or a city within the county) chooses to act.

**What happens if my county does not adopt a fee?**
There is no penalty for not adopting a local fee. Stores may still impose their own fee on paper bags.

**Is there a model enactment available for adopting the fee?**
Yes. A model enactment, provided by the Department of Taxation and Finance, is available at the following address: [www.nysac.org/environment](http://www.nysac.org/environment).

**If my county imposes a fee, where will the revenue go?**
If a county or city imposes a paper bag fee locally, the NYS Comptroller will pay 40 percent of the paper bag fee ($0.02) to the county or city that imposed it for the purpose of purchasing and distributing reusable bags, with priority given to low-
and fixed-income communities. Any funds that have not been used for this purpose must be returned to the NYS Comptroller and deposited into the General Fund for the State to purchase and distribute reusable bags. The remaining 60 percent of the fee ($0.03) will be deposited into the NYS Environmental Protection Fund (EPF).

**Does enactment of a 5-cent fee expose the county to enforcement of this law?**
Yes. If a county enacts a local law imposing a fee on paper, the county – not the state – would enforce the local law.

**Are there exemptions to the paper bag fee?**
Yes. The paper bag fee cannot apply to customers using the Supplemental Nutritional Assistance Program (SNAP), the Women, Infants, and Children (WIC) program, or any successor programs used as full or partial payment.

There is no exemption for sales of beer, wine, or liquor. The Bag Waste Reduction Act did amend the Alcoholic Beverage Control Law Section 63(4) to allow those persons with a “seven day license to sell liquor at retail for consumption off the premises” to sell reusable bags.

**What if my county already has a paper bag fee?**
As of March 1, 2020, the fee structure for all local paper bag laws must comport with state law; that is, the fee must be $0.05, split between the Environmental Protection Fund and locality.

**What if a municipality within my county already has a paper bag fee?**
There is a grandfathering clause for local laws governing fees on paper bags that are adopted prior to March 1, 2020. They may remain unless the county in which the local government is located adopts a fee on paper. If the county imposes a fee, then the municipality cannot charge a fee for paper bags more than one year after the county fee takes effect.

**Can my county ban paper bags?**
Yes. Local governments are not prohibited from banning paper bags outright.

**Are there materials available to educate residents?**
Yes. The following NYSDEC resources can be used to remind the public to #BYOBAG and inform consumers about the plastic bag ban:
- A double-sided (PDF) tip strip to use for posting and distribution.
- An 8 1/2 inch by 11 inch poster to post at your location reminding people of the March 1 plastic bag ban.
- A social media graphic stating, "Life takes us many places, take your reusable bags along, too!"
• Another social media graphic endorsing "BYO Bag" and recommending to "Keep bags: at home, at work, in your purse, in the car and in your backpack."

If you need any of these materials in another language, please contact NYSDEC at plasticbags@dec.ny.gov.

Where can I learn more?
For more information, you can read the full text of the Bag Waste Reduction law (Environmental Conservation Law Article 27, Title 28). NYSDEC also provides technical information for manufacturers or retailers regarding the New York State Bag Waste Reduction Act on their website.