



PLASTIC BAG BAN BEGINS ON MARCH 1st, 2020 – yes two weeks!

This is not an official Notice but what we have pulled together, we are still waiting for an official document from NYS DEC. We will send out more as soon as we know.

The New York State Bag Waste Reduction Act prohibits the distribution of plastic carryout bags by retailers in New York state.

Businesses that are not exempt from the law are required to provide paper bags to consumers, but this is confusing. There are many gray areas here and you should call NYS DEC to get your situation clarified 518 402 8706

Businesses must charge a 5 cent paper bag fee per bag. SNAP and WIC recipients are exempt from this fee. Businesses must show the transaction of the paper bags clearly on receipts and shall state the number of bags provided to the customer – you are selling the paper bags. The paper carryout bag reduction fee must be reported and paid to the state commissioner of taxation and finance on a quarterly basis. Your receipts must itemize the bag fee and how many bags sold.

Q: Which retailers are no longer allowed to provide plastic bags?

A: Any person required to collect tax will no longer be able to provide plastic carryout bags. Stores that are covered by the bag waste reduction law include, but are not limited to: **clothing stores, convenience stores, drug stores, green carts, grocery stores, hardware stores, liquor stores, office supply stores, pharmacies, and food service establishments located within the above stores.** The paper carryout bag fee does not apply to food pantries or soup kitchens.

Q: What does the term "plastic carryout bag" mean? Does this include all plastic bags?

A: As provided in proposed Part 351 draft regulations 'Plastic carryout bag' means any film plastic bag, other than an exempt bag, that is provided to a customer by a person required to collect tax to be used by the customer to carry tangible personal property, regardless of whether such person required to collect tax sells any tangible personal property or service to the customer, and regardless of whether any tangible personal property or service sold is exempt from tax under Article 28 of the New York State Tax Law.

Q: What do I do with any plastic bags after February? You are encouraged to recycle them. Large supermarkets and pharmacies over 10,000 feet must provide plastic bag recycling bins, you can take your leftover bags there. Do not keep these bags after March 1st in your store if you are not an exempt business.

Q: Do I have to provide Paper Bags? We are hearing from the NYS DEC that if you didn't provide plastic bags before then you don't need to provide paper bags. They encourage the use of reusable tote bags or customers to bring back their plastic bags to reuse. Otherwise the message is unclear.

Q: I am a bakery do I need to charge for paper bags? NYS DEC said if your "food is prepped to order" then you are exempt from charging the 5 cents, but if it's already packaged then yes you must charge for the paper bag.

Businesses affected by the plastic bag ban and paper carryout bag reduction fee should make preparations as soon as possible. Order paper bags, prepare to have reusable bags available for sale, and make sure your receipts reflect the paper bag fee correctly. Information about fee reporting is available from the NYS Department and Tax and Finance – nothing available as yet.

The law goes into effect March 1st, 2020. There is no grace period. The first offense for non-compliance will be a warning, but a second offense will be a monetary fine. Please direct questions to NYS DEC at 518-402-8706.

Q: What is an "exempt bag"?

A: 'Exempt bag' means a bag that is:

Used solely to contain or wrap uncooked meat, fish, seafood, poultry, or other unwrapped food, flower, or plant items

Used by a customer solely to package items from bulk containers, including fruits, vegetables, grains, candy, small hardware items (such as nuts, bolts, and screws), live fish, or live insects

Used solely to contain food sliced or prepared to order

Used solely to contain a newspaper for delivery to a subscriber

Sold in bulk quantities to a consumer at the point of sale that were specifically prepackaged in a manner to allow for bulk sale (for example, quantities of bags prepackaged in individual pre-sealed boxes) or prepackaged in individual boxes or containers for sale to a customer

Sold as a trash bag

Sold as a food storage bag, such as those in snack, sandwich, quart, and gallon sizes

Used as a garment bag, such as those used by a dry cleaner or laundry service

Provided by a restaurant, tavern, or similar food service establishment, as defined in the state sanitary code, to carry out or deliver food

Provided by a pharmacy to carry prescription drugs

A reusable bag, as that term is defined in proposed Part 351 draft regulations or a film plastic bag for which there is no reasonable or practical alternative for storing, containing

NYS Dept of Environmental Conservation at 518-402-8706 for questions & hopefully answers! www.dec.ny.gov/chemical/117781.html

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Thank you to our friends at Jerome Gun Hill BID for helping us put this information together.