

## **IMPORTANT NOTICE**

# **The New York State PLASTIC BAG BAN AND PAPER CARRYOUT BAG REDUCTION FEE Go into effect on March 1st, 2020.**



**This flier contains important information regarding the impact of the plastic bag ban on your business. If you have further questions please contact the NYS DEC at 518-402-8706, the MPC office at 718-324-4461 or email: [jeromegunhillbid@gmail.com](mailto:jeromegunhillbid@gmail.com)**

**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.**

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. The paper carryout bag reduction fee must be reported and paid to the state commissioner of taxation and finance on a quarterly basis.

**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 is an "exempt bag"?**

**A:** Please see the reverse of this flier for detailed information on exempt bags. If an item or circumstance falls under the exempt bag list then it is not affected by the ban.

For clarification on exempt bags please go to: [www.dec.ny.gov/chemical/117781.html](http://www.dec.ny.gov/chemical/117781.html)

## 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 or transporting items, as determined by the department

**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.**

**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.**