

- 17 27-2007. PRODUCER COLLECTION.
- 18 27-2009. PRODUCER REGISTRATION AND RESPONSIBILITIES.
- 19 27-2011. RETAILER REQUIREMENTS.
- 20 27-2013. DEPARTMENT RESPONSIBILITIES.
- 21 27-2015. REPORTING REQUIREMENTS.
- 22 S 27-2001. SHORT TITLE.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets

[] is old law to be omitted.

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1 THIS TITLE SHALL BE KNOWN AS AND MAY BE CITED AS THE "NEW YORK
STATE
2 PAINT STEWARDSHIP PILOT PROGRAM".
3 S 27-2003. DECLARATION OF POLICY.
4 IT IS HEREBY DECLARED TO BE THE PUBLIC POLICY OF THE STATE OF NEW
YORK
5 TO PROMOTE THE DEVELOPMENT AND IMPLEMENTATION OF STRATEGIES TO
REDUCE
6 THE GENERATION OF POST-CONSUMER ARCHITECTURAL PAINT, TO ENCOURAGE
THE
7 REUSE OF POST-CONSUMER ARCHITECTURAL PAINT, AND TO MAXIMIZE
THE
8 COLLECTION, TRANSPORT, AND PROCESS OF POST-CONSUMER ARCHITECTURAL
PAINT
9 FOR END-OF-PRODUCT-LIFE MANAGEMENT.
10 S 27-2005. DEFINITIONS.
11 WHEN USED IN THIS TITLE:
12 1. "ARCHITECTURAL PAINT" MEANS INTERIOR AND EXTERIOR
ARCHITECTURAL
13 COATINGS SOLD IN CONTAINERS OF FIVE GALLONS OR LESS. ARCHITECTURAL
PAINT
14 DOES NOT MEAN INDUSTRIAL, ORIGINAL EQUIPMENT OR SPECIALTY COATINGS.
15 2. "CONSUMER" MEANS A PERSON LOCATED IN THE STATE WHO OWNS OR
USES
16 ARCHITECTURAL PAINT, INCLUDING BUT NOT LIMITED TO AN INDIVIDUAL, A
BUSI-
17 NESS, CORPORATION, LIMITED PARTNERSHIP, NOT-FOR-PROFIT ORGANIZATION,
OR
18 GOVERNMENTAL ENTITY, BUT DOES NOT INCLUDE AN ENTITY INVOLVED IN A
WHOLE-
19 SALE TRANSACTION BETWEEN A DISTRIBUTOR AND RETAILER.
20 3. "DISTRIBUTOR" MEANS A COMPANY THAT HAS A CONTRACTUAL
RELATIONSHIP
21 WITH ONE OR MORE PRODUCERS TO MARKET AND SELL ARCHITECTURAL PAINT
TO
22 RETAILERS IN THIS STATE.
23 4. "PERSON" MEANS ANY INDIVIDUAL, BUSINESS ENTITY, PARTNERSHIP,
COMPA-
24 NY, CORPORATION, NOT-FOR-PROFIT CORPORATION, ASSOCIATION,
GOVERNMENTAL
25 ENTITY, PUBLIC BENEFIT CORPORATION, PUBLIC AUTHORITY, FIRM,
ORGANIZA-

26 TION, OR ANY OTHER GROUP OF INDIVIDUALS, OR ANY OFFICER OR EMPLOYEE
OR
27 AGENT THEREOF.
28 5. "POST-CONSUMER ARCHITECTURAL PAINT" MEANS ARCHITECTURAL PAINT
NOT
29 USED AND NO LONGER WANTED BY ITS PURCHASER.
30 6. "PRODUCER" MEANS A PERSON THAT MANUFACTURES ARCHITECTURAL
PAINT
31 THAT IS SOLD OR OFFERED FOR SALE IN THIS STATE.
32 7. "RECYCLING" MEANS ANY PROCESS BY WHICH DISCARDED PRODUCTS,
COMPO-
33 NENTS AND BY-PRODUCTS ARE TRANSFORMED INTO NEW USABLE OR
MARKETABLE
34 MATERIALS IN A MANNER IN WHICH THE PRODUCTS MAY LOSE THEIR
ORIGINAL
35 COMPOSITION. RECYCLING DOES NOT INCLUDE ENERGY RECOVERY OR ENERGY
GENER-
36 ATION BY MEANS OF COMBUSTING DISCARDED PRODUCTS, COMPONENTS AND BY-
PRO-
37 DUCTS WITH OR WITHOUT OTHER WASTE PRODUCTS FROM POST-CONSUMER
ARCHITEC-
38 TURAL PAINT.
39 8. "RETAILER" MEANS ANY PERSON THAT SELLS OR OFFERS FOR SALE
ARCHITEC-
40 TURAL PAINT AT RETAIL IN THIS STATE.
41 9. "REUSE" MEANS THE RETURN OF A PRODUCT INTO THE ECONOMIC STREAM
FOR
42 USE IN THE SAME KIND OF APPLICATION INTENDED FOR THE USE OF THE
PRODUCT,
43 WITHOUT A CHANGE IN THE PRODUCT'S ORIGINAL COMPOSITION.
44 10. "SELL" OR "SALE" MEANS ANY TRANSFER OF TITLE FOR
CONSIDERATION,
45 INCLUDING REMOTE SALES CONDUCTED THROUGH SALES OUTLETS, CATALOGS OR
THE
46 INTERNET OR THROUGH ANY OTHER SIMILAR ELECTRONIC MEANS.
47 S 27-2007. PRODUCER COLLECTION.
48 1. BEGINNING JULY FIRST, TWO THOUSAND THIRTEEN, A
RETAILER/PRODUCER
49 SHALL ACCEPT FOR DISPOSAL AND RECYCLING OR REUSE ARCHITECTURAL PAINT
FOR
50 WHICH IT IS THE PRODUCER WITH THE PURCHASE OF ARCHITECTURAL PAINT BY
A
51 CONSUMER.
52 2. BEGINNING JULY FIRST, TWO THOUSAND FOURTEEN, A
RETAILER/PRODUCER
53 SHALL ACCEPT FOR DISPOSAL AND RECYCLING OR REUSE ANY/ALL
ARCHITECTURAL
54 PAINT FOR WHICH IT IS THE PRODUCER.
55 S 27-2009. PRODUCER REGISTRATION AND RESPONSIBILITIES.
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1 1. A PRODUCER SHALL SUBMIT A REGISTRATION TO THE DEPARTMENT BY
JANUARY
2 FIRST, TWO THOUSAND THIRTEEN, ALONG WITH A REGISTRATION FEE OF
FIVE
3 THOUSAND DOLLARS. SUCH REGISTRATION SHALL INCLUDE:
4 (A) THE PRODUCER'S NAME, ADDRESS, AND TELEPHONE NUMBER;

5 (B) THE NAME AND TITLE OF AN OFFICER, DIRECTOR, OR OTHER
INDIVIDUAL
6 DESIGNATED AS THE PRODUCER'S CONTACT FOR PURPOSES OF THIS TITLE;
7 (C) A LIST IDENTIFYING THE PRODUCER'S BRANDS;
8 (D) A GENERAL DESCRIPTION OF THE MANNER IN WHICH THE PRODUCER
WILL
9 COMPLY WITH SECTION 27-2007 OF THIS TITLE, INCLUDING SPECIFIC
INFORMA-
10 TION ON THE PRODUCER'S ARCHITECTURAL PAINT ACCEPTANCE PROGRAM IN
THE
11 STATE, AND A CURRENT LIST OF LOCATIONS WITHIN THE STATE WHERE
CONSUMERS
12 MAY RETURN ARCHITECTURAL PAINT;
13 (E) SALES DATA FOR THE PRODUCER'S ARCHITECTURAL PAINT SOLD IN
THIS
14 STATE FOR THE PREVIOUS THREE CALENDAR YEARS, IF THE PRODUCER
CANNOT
15 PROVIDE ACCURATE STATE SALES DATA, IT SHALL EXPLAIN WHY SUCH DATA
CANNOT
16 BE PROVIDED, AND ESTIMATE STATE SALES DATA BY (I) DIVIDING ITS
NATIONAL
17 SALES DATA BY THE NATIONAL POPULATION ACCORDING TO THE MOST
RECENT
18 CENSUS AND MULTIPLYING THE RESULT BY THE POPULATION OF THE STATE,
OR
19 (II) ANOTHER METHOD APPROVED BY THE DEPARTMENT; AND
20 (F) ANY OTHER INFORMATION AS THE DEPARTMENT MAY REQUIRE.
21 2. A PRODUCER'S REGISTRATION SHALL BE UPDATED WITHIN THIRTY DAYS
OF
22 ANY MATERIAL CHANGE TO THE INFORMATION REQUIRED BY THE REGISTRATION.
23 3. ANY PERSON WHO BECOMES A PRODUCER ON OR AFTER JANUARY FIRST,
TWO
24 THOUSAND THIRTEEN SHALL REGISTER WITH THE DEPARTMENT PRIOR TO SELLING
OR
25 OFFERING FOR SALE IN THE STATE ANY ARCHITECTURAL PAINT, AND MUST
COMPLY
26 WITH THE REQUIREMENTS OF THIS TITLE.
27 4. NO LATER THAN JULY FIRST, TWO THOUSAND THIRTEEN, A PRODUCER
SHALL
28 NOT SELL OR OFFER FOR SALE ARCHITECTURAL PAINT IN THE STATE UNLESS
THE
29 PRODUCER HAS REGISTERED WITH THE DEPARTMENT AND MAINTAINS AN
ARCHITEC-
30 TURAL PAINT ACCEPTANCE PROGRAM THROUGH WHICH THE PRODUCER,
EITHER
31 DIRECTLY OR THROUGH AN AGENT OR DESIGNEE, ACCEPTS ARCHITECTURAL
PAINT
32 FROM CONSUMERS IN THE STATE FOR DISPOSAL, REUSE OR RECYCLING.
THE
33 PRODUCER SHALL ENSURE THAT RETAILERS ARE NOTIFIED OF SUCH
REGISTRATION.
34 THE PRODUCER SHALL NOT IMPOSE A FEE ON CONSUMERS FOR THE
COLLECTION,
35 HANDLING AND RECYCLING OR REUSE OF ARCHITECTURAL PAINT.
36 5. THE ARCHITECTURAL PAINT ACCEPTANCE PROGRAM SHALL INCLUDE, AT
A
37 MINIMUM:

38 (A) COLLECTION, DISPOSAL AND RECYCLING OR REUSE OF ARCHITECTURAL
PAINT
39 PRODUCED BY THE PRODUCER AND OFFERED FOR RETURN BY ANY CONSUMER IN
THIS
40 STATE, FREE OF COST AND IN A MANNER CONVENIENT TO CONSUMERS. THE
FOLLOW-
41 ING ACCEPTANCE METHODS SHALL BE CONSIDERED REASONABLY CONVENIENT:
(I)
42 MAIL OR SHIP BACK RETURN PROGRAMS; (II) COLLECTION OR ACCEPTANCE
EVENTS
43 CONDUCTED BY THE PRODUCER OR THE PRODUCER'S AGENT OR DESIGNEE,
INCLUDING
44 EVENTS CONDUCTED THROUGH LOCAL GOVERNMENTS OR PRIVATE PARTIES;
(III)
45 FIXED ACCEPTANCE LOCATIONS SUCH AS DEDICATED ACCEPTANCE SITES
OPERATED
46 BY THE PRODUCER OR ITS AGENT OR DESIGNEE; (IV) AGREEMENTS WITH
LOCAL
47 GOVERNMENTS, RETAIL STORES, SALES OUTLETS AND NOT-FOR-PROFIT
ORGANIZA-
48 TIONS WHICH HAVE AGREED TO PROVIDE FACILITIES FOR THE COLLECTION
OF
49 ARCHITECTURAL PAINT; (V) COMMUNITY COLLECTION EVENTS; AND (VI)
ANY
50 COMBINATION OF THESE OR OTHER ACCEPTANCE METHODS WHICH
EFFECTIVELY
51 PROVIDE FOR THE ACCEPTANCE OF ARCHITECTURAL PAINT FOR RECYCLING OR
REUSE
52 THROUGH MEANS THAT ARE AVAILABLE AND REASONABLY CONVENIENT TO
CONSUMERS
53 IN THE STATE. AT A MINIMUM, THE PRODUCER SHALL ENSURE THAT ALL
COUNTIES
54 OF THE STATE AND ALL MUNICIPALITIES WHICH HAVE A POPULATION OF TEN
THOU-
55 SAND OR GREATER HAVE AT LEAST ONE METHOD OF ACCEPTANCE THAT IS
AVAILABLE

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1 WITHIN THAT MUNICIPALITY. THE DEPARTMENT MAY ESTABLISH
ADDITIONAL
2 REQUIREMENTS TO ENSURE CONVENIENT COLLECTION FROM CONSUMERS;
3 (B) A PUBLIC EDUCATION PROGRAM TO INFORM CONSUMERS ABOUT THE
PRODUC-
4 ER'S ARCHITECTURAL PAINT ACCEPTANCE PROGRAM, INCLUDING AT A MINIMUM
AN
5 INTERNET WEBSITE AND A TOLL-FREE TELEPHONE NUMBER AND WRITTEN
INFORMA-
6 TION INCLUDED IN THE PACKAGE FOR, OR AT THE TIME OF SALE OF,
ARCHITEC-
7 TURAL PAINT THAT PROVIDES SUFFICIENT INFORMATION TO ALLOW A CONSUMER
OF
8 ARCHITECTURAL PAINT TO LEARN HOW TO RETURN SUCH PAINT FOR
DISPOSAL,
9 RECYCLING OR REUSE; AND
10 (C) ANY OTHER INFORMATION AS REQUIRED BY THE DEPARTMENT IN
ACCORDANCE
11 WITH REGULATIONS PROMULGATED PURSUANT TO THIS ARTICLE.

12 6. A PRODUCER SHALL MAINTAIN RECORDS DEMONSTRATING COMPLIANCE WITH
THE
13 PROVISIONS OF THIS TITLE AND MAKE THEM AVAILABLE FOR AUDIT
AND
14 INSPECTION BY THE DEPARTMENT FOR A PERIOD OF THREE YEARS.

15 7. A PRODUCER MAY SATISFY THE ARCHITECTURAL PAINT COLLECTION
REQUIRE-
16 MENTS OF THIS SECTION BY AGREEING TO PARTICIPATE IN A COLLECTIVE
ARCHI-
17 TECTURAL PAINT ACCEPTANCE PROGRAM WITH OTHER PRODUCERS. ANY SUCH
COLLEC-
18 TIVE ARCHITECTURAL PAINT ACCEPTANCE PROGRAM SHALL MEET THE
SAME
19 REQUIREMENTS AS AN INDIVIDUAL PRODUCER. ANY ARCHITECTURAL
ACCEPTANCE
20 PROGRAM SHALL INCLUDE A LIST OF PRODUCERS THAT ARE PARTICIPATING IN
SUCH
21 PROGRAM ALONG WITH OTHER IDENTIFYING INFORMATION AS MAY BE REQUIRED
BY
22 THE DEPARTMENT. SUCH PROGRAM SHALL SUBMIT A REGISTRATION TO THE
DEPART-
23 MENT ALONG WITH A REGISTRATION FEE OF TEN THOUSAND DOLLARS.

24 8. A PRODUCER SHALL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH
THE
25 IMPLEMENTATION OF THE ARCHITECTURAL PAINT ACCEPTANCE PROGRAM.
26 S 27-2011. RETAILER REQUIREMENTS.

27 1. AT THE LOCATION OF SALE OF ARCHITECTURAL PAINT, A RETAILER
SHALL
28 PROVIDE PURCHASERS OF ARCHITECTURAL PAINT WITH INFORMATION, IF
ANY,
29 ABOUT OPPORTUNITIES FOR THE RETURN OF ARCHITECTURAL PAINT THAT HAS
BEEN
30 PROVIDED TO THE RETAILER BY A PRODUCER.

31 2. NO RETAILER SHALL SELL OR OFFER FOR SALE IN THE STATE ANY
ARCHITEC-
32 TURAL PAINT UNLESS THE PRODUCER AND THE PRODUCER'S BRANDS ARE
REGISTERED
33 WITH THE DEPARTMENT PURSUANT TO SECTION 27-2009 OF THIS TITLE.
34 S 27-2013. DEPARTMENT RESPONSIBILITIES.

35 1. THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS
INCLUDING,
36 BUT NOT LIMITED TO, STANDARDS FOR REUSE AND ACCEPTABLE ALTERNATIVE
METH-
37 ODS FOR THE DETERMINATION OF STATE SALES DATA.

38 2. THE DEPARTMENT SHALL (A) MAINTAIN A LIST OF PRODUCERS WHO
ARE
39 REGISTERED PURSUANT TO SECTION 27-2009 OF THIS TITLE, (B) MAINTAIN
A
40 LIST OF EACH SUCH PRODUCER'S BRANDS, AND (C) POST SUCH LISTS ON
THE
41 DEPARTMENT'S WEBSITE.
42 S 27-2015. REPORTING REQUIREMENTS.

43 1. BEGINNING MARCH FIRST, TWO THOUSAND THIRTEEN, FOR THE
PREVIOUS
44 CALENDAR YEAR AND ANNUALLY THEREAFTER, A PRODUCER THAT OFFERS
ARCHITEC-

45 TURAL PAINT FOR SALE IN THIS STATE SHALL SUBMIT A REPORT TO THE
DEPART-
46 MENT ON A FORM PRESCRIBED BY THE DEPARTMENT THAT INCLUDES THE
FOLLOWING:
47 (A) SALES DATA FOR THE PRODUCER'S ARCHITECTURAL PAINT SOLD IN
THIS
48 STATE FOR THE PREVIOUS THREE CALENDAR YEARS. IF THE PRODUCER
CANNOT
49 PROVIDE ACCURATE STATE SALES DATA, IT SHALL EXPLAIN WHY SUCH DATA
CANNOT
50 BE PROVIDED, AND ESTIMATE STATE SALES DATA BY (I) DIVIDING ITS
NATIONAL
51 SALES DATA BY WEIGHT BY THE NATIONAL POPULATION ACCORDING TO THE
MOST
52 RECENT CENSUS AND MULTIPLYING THE RESULT BY THE POPULATION OF THE
STATE,
53 OR (II) ANOTHER METHOD APPROVED BY THE DEPARTMENT;
54 (B) THE QUANTITY OF ARCHITECTURAL PAINT COLLECTED FOR DISPOSAL,
RECY-
55 CLING OR REUSE IN THIS STATE DURING THE PRECEDING CALENDAR YEAR AND
THE

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1 METHODS USED TO ACCEPT SUCH PAINT AND THE APPROXIMATE WEIGHT OF
ARCHI-
2 TECTURAL PAINT ACCEPTED BY EACH METHOD USED TO THE EXTENT KNOWN;
3 (C) INFORMATION DETAILING THE ACCEPTANCE METHODS MADE AVAILABLE
TO
4 CONSUMERS IN MUNICIPALITIES WHICH HAVE A POPULATION OF GREATER THAN
TEN
5 THOUSAND AND IN EACH COUNTY OF THE STATE;
6 (D) A BRIEF DESCRIPTION OF ITS PUBLIC EDUCATION PROGRAM INCLUDING
THE
7 NUMBER OF VISITS TO THE INTERNET WEBSITE AND CALLS TO THE TOLL-
FREE
8 TELEPHONE NUMBER PROVIDED BY THE PRODUCER AS REQUIRED BY SECTION 27-
2009
9 OF THIS TITLE;
10 (E) ANY OTHER INFORMATION AS REQUIRED BY THE DEPARTMENT; AND
11 (F) A SIGNATURE BY AN OFFICER, DIRECTOR, OR OTHER INDIVIDUAL
AFFIRMING

12 THE ACCURACY OF THE REPORT.

13 2. THE REPORT SHALL BE ACCOMPANIED BY AN ANNUAL REPORTING FEE OF
THREE
14 THOUSAND DOLLARS.

15 3. THE DEPARTMENT SHALL SUBMIT A REPORT REGARDING THE
IMPLEMENTATION
16 OF THIS TITLE IN THIS STATE TO THE GOVERNOR AND LEGISLATURE BY
APRIL
17 FIRST, TWO THOUSAND THIRTEEN AND EVERY TWO YEARS THEREAFTER. THE
REPORT

18 MUST INCLUDE, AT A MINIMUM, AN EVALUATION OF:

19 (A) THE ARCHITECTURAL PAINT STREAM IN THE STATE;

20 (B) DISPOSAL, RECYCLING AND REUSE RATES IN THE STATE FOR
ARCHITECTURAL
21 PAINT;

22 (C) A DISCUSSION OF COMPLIANCE AND ENFORCEMENT RELATED TO THE
REQUIRE-
23 MENTS OF THIS TITLE; AND
24 (D) RECOMMENDATIONS FOR ANY CHANGES TO THIS TITLE.
25 S 3. This act shall take effect immediately.