



Legislation Text

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A Local Law to amend the administrative code of the city of New York, in relation to requiring large chain stores to donate nonsalable personal care products

Be it enacted by the Council as follows:

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new chapter 4-I to read as follows:

CHAPTER 4-I

PERSONAL CARE PRODUCT DONATION

§ 16-499 Personal care product donation. a. Definitions. For the purposes of this chapter, the following terms have the following meanings:

Covered store. The term “covered store” means any establishment in the city where personal care products are offered for sale to the consumer that (i) has a floor area of at least 15,000 square feet, or (ii) is part of a chain of three or more covered stores that have a combined floor area of at least 15,000 feet and that operate under common ownership and control.

Nonsalable personal care product. The term “nonsalable personal care product” means personal care products in a covered store that (i) meet all quality and labeling standards imposed by federal, state, and local laws and regulations, (ii) is not required to meet the needs of the covered store, (iii) will not be sold by the covered store due to damage to its packaging, outdated packaging or promotional graphics, or for any other reason, (iv) is not the subject of any product recall, and (v) would be discarded or disposed of if not for the prohibition in this section.

Personal care product. The term “personal care product” means products used for the purposes of personal sanitation or the maintenance of personal health and hygiene, including but not limited to soap, face wash, shampoo, conditioner, deodorant, toothbrushes, toothpaste, floss, razors, shaving cream, sunscreen, feminine hygiene products, diapers and any other such products that the commissioner shall determine by rule.

Product recall. The term “product recall” means a public request by a product manufacturer to return or dispose of a personal care product due to a defect with the personal care product.

Qualified non-profit organization. The term “qualified non-profit organization” means an organization that qualifies as an exempt organization under section 501(c) of the United States internal revenue code.

b. Within eighteen months after the effective date of the local law that added this section, the department or another agency or office designated by the mayor, shall, in conjunction with the department of information technology and telecommunications, create or modify and maintain a web portal that will allow prospective personal care product donors, including but not limited to department stores, convenience stores, and pharmacies, to post notices concerning the availability of donated personal care products, including nonsalable personal care products, and to arrange for the transportation or retrieval of such personal care products. Such portal shall, at a minimum, (i) allow a prospective personal care product donor to describe the type and amount of personal care products available, including any information necessary to facilitate its donation, (ii) allow qualified non-profit organizations to register as prospective personal care product recipients and specify the type and amount of personal care product donations it will accept, the areas of the city from which it will accept donations, and to receive prompt notification concerning the availability of personal care products satisfying such specifications, and (iii) permit prospective personal care product donors and personal care product recipients to communicate directly through a messaging system within such portal.

c. Covered stores shall donate all nonsalable personal care products to a qualified non-profit organization, or make the nonsalable personal care products available to qualified non-profit organizations on the web portal required by this section.

d. A covered store may not discard or dispose of personal care products unless the personal care product is the subject of a product recall, or the covered store made the personal care product available for donation on the department's web portal created by this section for six or more months.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of sanitation or another agency or office designated by the mayor shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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