

6415--A

I N S E N A T E

January 22, 2014

Introduced by Sen. SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to banning formaldehyde in certain children's products

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Article 37 of the environmental conservation law is amended
2 by adding a new title 9 to read as follows:

3 TITLE IX

4 FORMALDEHYDE PROHIBITION

5 SECTION 37-0901. BANNING FORMALDEHYDE IN CERTAIN CHILDREN'S PRODUCTS.

6 S 37-0901. BANNING FORMALDEHYDE IN CERTAIN CHILDREN'S PRODUCTS.

7 1. DEFINITIONS. (A) "CHILDREN'S PRODUCT" MEANS A PRODUCT PRIMARILY
8 DESIGNED, INTENDED OR MARKETING BY A MANUFACTURER TO BE PHYSICALLY
9 APPLIED TO OR INTRODUCED INTO A CHILD'S BODY, INCLUDING ANY ARTICLE USED
10 AS A COMPONENT OF SUCH A PRODUCT AND EXCLUDING A FOOD, BEVERAGE, DIETARY
11 SUPPLEMENT, PHARMACEUTICAL PRODUCT OR BIOLOGIC, CHILDREN'S TOYS THAT ARE
12 COVERED BY THE ASTM INTERNATIONAL F963 STANDARD FOR TOY SAFETY, OR A
13 MEDICAL DEVICE AS DEFINED IN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT,
14 21 USC 321(H), AS AMENDED THROUGH FEBRUARY FIFTEENTH, TWO THOUSAND THIR-
15 TEEN.

16 (B) "CHILD" MEANS ANY PERSON LESS THAN FOURTEEN YEARS OF AGE.

17 2. FORMALDEHYDE IN CHILDREN'S PRODUCTS; BAN. (A) BEGINNING JANUARY
18 FIRST, TWO THOUSAND FIFTEEN, NO MANUFACTURER OR WHOLESALER MAY SELL OR
19 OFFER FOR SALE IN THIS STATE A CHILDREN'S PRODUCT THAT INTENTIONALLY
20 CONTAINS:

21 (I) FORMALDEHYDE, INCLUDING FORMALDEHYDE CONTAINED IN A SOLUTION; OR

22 (II) INGREDIENTS THAT CHEMICALLY DEGRADE UNDER NORMAL CONDITIONS OF
23 TEMPERATURE AND PRESSURE TO RELEASE FORMALDEHYDE.

24 (B) BEGINNING JANUARY FIRST, TWO THOUSAND SIXTEEN, NO RETAILER MAY
25 SELL OR OFFER FOR SALE IN THIS STATE A CHILDREN'S PRODUCT THAT INTEN-
26 TIONALLY CONTAINS:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 (I) FORMALDEHYDE, INCLUDING FORMALDEHYDE CONTAINED IN A SOLUTION; OR
2 (II) INGREDIENTS THAT CHEMICALLY DEGRADE UNDER NORMAL CONDITIONS OF
3 TEMPERATURE AND PRESSURE TO RELEASE FORMALDEHYDE.

4 3. FORMALDEHYDE REPLACEMENT CHEMICALS. A MANUFACTURER SHALL NOT
5 REPLACE A CHEMICAL WHOSE USE IS PROHIBITED IN SUBDIVISION TWO OF THIS
6 SECTION WITH A CHEMICAL KNOWN TO THE MANUFACTURER TO HAVE BEEN IDENTI-
7 FIED ON THE BASIS OF CREDIBLE SCIENTIFIC EVIDENCE BY A STATE, FEDERAL,
8 OR INTERNATIONAL AGENCY AS BEING KNOWN OR SUSPECTED WITH A HIGH DEGREE
9 OF PROBABILITY TO:

10 (A) HARM THE NORMAL DEVELOPMENT OF A FETUS OR CHILD OR CAUSE OTHER
11 DEVELOPMENTAL TOXICITY;

12 (B) CAUSE CANCER, GENETIC DAMAGE, OR REPRODUCTIVE HARM;

13 (C) DISRUPT THE ENDOCRINE OR HORMONE SYSTEM; OR

14 (D) DAMAGE THE NERVOUS SYSTEM, IMMUNE SYSTEM, OR ORGANS, OR CAUSE
15 OTHER SYSTEMIC TOXICITY.

16 S 2. This act shall take effect January 1, 2015.