STATE OF NEW YORK

9997

IN ASSEMBLY

March 7, 2018

Introduced by M. of A. ENGLEBRIGHT, CAHILL, ROZIC, MOSLEY, LIFTON, PICHARDO, SEPULVEDA, GOTTFRIED, ZEBROWSKI, GALEF, GLICK, LAVINE, TITONE, SANTABARBARA, THIELE, STECK, JAFFEE, D'URSO, SIMON, RIVERA, SEAWRIGHT, PEOPLES-STOKES -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to prohibiting the sale of child care products containing bisphenol

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The title heading of title 5 of article 37 of the environmental conservation law, as added by chapter 280 of the laws of 2010, is amended to read as follows:

BISPHENOL [~~A~~]

§ 2. Section 37-0501 of the environmental conservation law, as added by chapter 280 of the laws of 2010, is amended to read as follows:

§ 37-0501. Short title.

This title shall be known and may be cited as the "bisphenol [~~A-free~~] **free** children and babies act".

§ 3. Section 37-0505 of the environmental conservation law, as added by chapter 280 of the laws of 2010, is amended to read as follows:

§ 37-0505. Child care products.

1. **(a)** Beginning December first, two thousand ten, no person, firm, partnership, association, limited liability company or corporation shall sell or offer for sale any child care product intended for use by a child three years of age or younger containing bisphenol A.

(b) Beginning December thirty-first, two thousand nineteen, no person, firm, partnership, association, limited liability company or corporation shall sell or offer for sale any child care product intended for use by a child three years of age or younger containing bisphenol AF (BPAF), bisphenol Z (BPZ), bisphenol S (BPS), bisphenol F (BPF), bisphenol AP (BPAP) and bisphenol B (BPB).

2. The provisions of this section shall not apply to the sale or distribution of child care products resold or offered for resale, or distributed by consumers for consumer use.

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

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§ 4. Section 37-0507 of the environmental conservation law, as added by chapter 280 of the laws of 2010, is amended to read as follows:

§ 37-0507. Product labeling.

The commissioner may authorize product labeling of products that do not contain bisphenol [**A**]. The label on such products may prominently state "Bisphenol [**A**] Free" [~~**or "BPA-Free"**~~] to inform consumers that the product does not contain the chemical bisphenol [**A**].

§ 5. Section 37-0509 of the environmental conservation law, as added by chapter 280 of the laws of 2010, is amended to read as follows:

§ 37-0509. Preemption.

Jurisdiction in all matters pertaining to bisphenol [~~**A**~~] which are regulated pursuant to the provisions of this title shall be vested exclusively in the state.

§ 6. This act shall take effect December 31, 2019.