

# STATE OF NEW YORK

3529--B

Cal. No. 98

2023-2024 Regular Sessions

## IN SENATE

January 31, 2023

Introduced by Sens. FERNANDEZ, CLEARE, ADDABBO, ASHBY, CHU, HARCKHAM, HOYLMAN-SIGAL, JACKSON, LIU, MARTINEZ, MARTINS, MAY, MAYER, MYRIE, RHOADS, ROLISON, SERRANO, TEDISCO, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Women's Issues -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Women's Issues in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the general business law, in relation to the restriction of certain substances in menstrual products

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

1 Section 1. Paragraph (b) of subdivision 1 of section 399-aaaa of the  
2 general business law, as added by chapter 362 of the laws of 2019, is  
3 amended and three new paragraphs (c), (d) and (e) are added to read as  
4 follows:

5 (b) "menstrual product" shall mean products used for the purpose of  
6 catching menstruation and vaginal discharge, including but not limited  
7 to tampons, pads, and menstrual cups. These products may be either  
8 disposable or reusable[-];

9 (c) "restricted substance" shall mean an unsafe chemical for inclusion  
10 in menstrual products as determined by the commissioner of health, which  
11 shall include, but not be limited to, lead, mercury and related  
12 compounds, formaldehyde, triclosan, toluene, talc, dibutyl phthalate,  
13 di(2)exylhexyl phthalate, butylphenyl methylpropional and isobutyl-,  
14 isopropyl-, butyl-, propylparaben, and perfluoroalkyl and polyfluoroal-  
15 kyl substances;

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

LBD04800-10-4

1 (d) "perfluoroalkyl and polyfluoroalkyl substances" shall mean a class  
2 of fluorinated organic chemicals containing at least one fully fluori-  
3 nated carbon atom;

4 (e) "intentionally added ingredient" shall mean any element or  
5 compound that a manufacturer has intentionally added to a menstrual  
6 product, and which has a functional or technical effect in the finished  
7 product, including, but not limited to, the components of intentionally  
8 added fragrance, flavoring and colorants, and the intentional breakdown  
9 products of an added element or compound that also has a functional or  
10 technical effect on the finished product.

11 § 2. Subdivision 4 of section 399-aaaa of the general business law is  
12 renumbered subdivision 5 and a new subdivision 4 is added to read as  
13 follows:

14 4. No menstrual products distributed, sold or offered for sale in this  
15 state, whether at retail or wholesale, for personal, professional or  
16 commercial use, or distributed for promotional purposes, shall contain:

17 (a) as of the effective date, a restricted substance present as an  
18 intentionally added ingredient at any level; or

19 (b) as of two years after thresholds are established in regulation,  
20 but no later than January first, two thousand twenty-eight, a restricted  
21 substance at or above a level that the department of environmental  
22 conservation, in consultation with the department of health, shall  
23 establish in regulation that is the lowest level that can feasibly be  
24 achieved; provided, however, that the department of environmental  
25 conservation and department of health shall review such level every five  
26 years to determine whether it should be lowered. The department shall  
27 promulgate regulations establishing these levels no later than a year  
28 after the effective date of this section.

29 § 3. This act shall take effect twelve months after it shall have  
30 become a law. Effective immediately, the addition, amendment, and/or  
31 repeal of any rule or regulation necessary for the implementation of  
32 this act on its effective date are authorized to be made and completed  
33 on or before such effective date.