STATE OF NEW YORK

11721

IN ASSEMBLY

September 16, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Vanel) -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to infant head support labeling

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

Section 1. The general business law is amended by adding a new section 399-aaaaaaa to read as follows:

§ 399-aaaaaaa. Infant head support labeling. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Infant" means a child under twelve months of age.

(b) "Infant head support device" means any pillow, cushion, lounger, positioner, wedge, mat, insert, or similar product that is designed, marketed, or intended for an infant to rest, cradle, support, or position an infant's head, inserts for car seats, strollers, swings, bouncer seats, or carriers. Such term shall not include:

(i) a cranial orthosis or other device approved by the United States food and drug administration that is prescribed by a licensed health care provider;

(ii) a component supplied by the original manufacturer of a child restraint system in compliance with applicable federal motor vehicle safety standards; or

(iii) a crib mattress, bassinet, or other infant sleep product that is subject to a mandatory federal safety standard.

(c) "Positional skull deformity" means flattening, molding, or asymmetry of an infant's skull resulting from prolonged external pressure on the skull, including positional plagiocephaly and positional brachycephaly.

2. Any infant head support device offered for sale in the state of New York shall provide a clear and conspicuous warning on such device and its retail packaging that prolonged use of such product may cause flattening, molding, or deformation of a baby's skull and that the recipient of such infant head support device should limit the time their baby

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

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spends resting against the product and to reposition their baby frequently.

3. The warning required by subdivision two of this section shall be:

(a) permanently affixed to the device by means of a label or tag and printed on the principal display panel of any retail packaging; and

(b) printed in a legible typeface in a type size of not less than twelve-point font.

4. The department of health shall create a model label and may include on such label a link to a website, which the department may create, that instructs parents on positional skull deformity and the developmental, emotional, and cranial benefits of carrying an infant.

5. The manufacturer shall be responsible for ensuring that all infant head support devices display the warning label as required by subdivisions two and three of this section.

6. Whenever there shall be a violation of this section, an application may be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction by a special proceeding to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violation; and if it shall appear to the satisfaction of the court or justice that the defendant has, in fact, violated this section, an injunction may be issued by such court or justice, enjoining and proof that any person has, in fact, been injured or damaged thereby. Whenever the court shall determine that a violation of this section has occurred, the court may impose a civil penalty up to two hundred fifty dollars per violation for the first offense and up to five hundred dollars per violation for each subsequent offense. In connection with any such proposed application, the attorney general is authorized to take proof and make a determination of the relevant facts and to issue subpoenas in accordance with the civil practice law and rules.

7. Nothing in this section shall be construed to limit or alter the liability or duty of any manufacturer, distributor, or seller under the common law or any other provision of law, including liability for failure to warn. Compliance with this section shall not relieve any person from liability at common law or under any other statute. The remedies and penalties provided in this section are in addition to any other remedies or penalties provided by law.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.