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Introduced by M. of A. SOLAGES, MAMDANI, SIMONE, SHIMSKY, ANDERSON, CHANDLER-WATERMAN, GALLAGHER, TAPIA, EACHUS, DAVILA, SAYEGH, ROSENTHAL, LEVENBERG, BURDICK, REYES, LUCAS, WEPRIN, BICHOTTE HERMELYN, TAYLOR, HEVESI, FORREST, KELLES, SHRESTHA, SIMON, EPSTEIN, COLTON, SEAWRIGHT, KAY, FALL, VALDEZ, PAULIN, CUNNINGHAM, TORRES, ALVAREZ, BURROUGHS, SCHIAVONI, O'PHARROW, ROMERO, GRIFFIN, BRONSON, GIBBS, STIRPE, SEPTIMO, GONZALEZ-ROJAS, LASHER, LAVINE, LUNSFORD, CRUZ, HOOKS, KIM, McDONOUGH, RAGA, MITAYNES, KASSAY -- read once and referred to the Committee on Consumer Affairs and Protection -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to labeling requirements for gas stoves

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Healthy Homes Right To Know Act".
3 § 2. Legislative findings. The legislature finds and declares that:
4 1. New York has a long history of protecting its citizens by making
5 sure they have adequate knowledge to make informed purchasing decisions.
6 2. The public is broadly unaware of the health dangers posed by gas
7 stoves. On May 8, 2023, ten state attorneys general, including the
8 attorney general of New York State as well as the New York City Corpo-
9 ration Counsel, sent a letter to the Consumer Product Safety Commission
10 (CPSC), in which they asserted, "Most of the research and evidence on
11 the health risks associated with elevated levels of emissions from gas
12 appliances has been circulated among decisionmakers and engaged stake-
13 holders. This has left the public to try to piece together health and

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

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1 safety information--which can be false or misleading--from the internet,
2 social media, and other non-authoritative sources. Thus, when it comes
3 to gas stove emissions, consumers are presently unprotected against, and
4 inadequately informed about, the health hazards these appliances pose."
5 Those dangers may now be particularly acute as, according to the U.S.
6 Environmental Protection Agency, "Americans on average, spend approxi-
7 mately 90% of their time indoors where concentrations of some pollutants
8 are often 2 to 5 times higher than typical outdoor concentrations."

9 3. The same letter suggests, "requiring warning labels on gas stoves
10 that provide more information on their health risks". The letter goes on
11 to say, "Proper labeling on gas stoves would represent an important step
12 in helping to educate consumers about the health risks associated with
13 gas stoves. Providing this information upfront is essential to enabling
14 consumers to make a fully informed decision."

15 4. Current New York state regulations regarding unvented gas appli-
16 ances are inconsistent. Since there is no statewide requirement that gas
17 stoves be ventilated to the outdoors, a precautionary approach to public
18 safety requires that these appliances be treated as unvented.

19 5. Although the research regarding the impacts of unvented gas heaters
20 is vastly less robust than that regarding gas stoves, the New York State
21 Department of Health nonetheless adopted regulations in January of 2023
22 to require labeling of unvented gas heaters including, "WARNING: This
23 appliance produces CARBON MONOXIDE, a poisonous gas. You MUST use carbon
24 monoxide alarms to avoid injury or death". Labeling requirements for
25 unvented heaters in California also include warnings of exposure to:
26 "...chemicals including benzene, which is known to the state of Califor-
27 nia to cause cancer and cause birth defects or other reproductive harm".

28 6. Given that the research regarding gas stoves is even more complete
29 and compelling, New York State should also act to inform the public as
30 has already been done with unvented gas heaters.

31 7. The scientific consensus on gas stove emissions is robust and grow-
32 ing. It is now understood that gas stoves can emit carbon monoxide
33 (CO), nitrogen dioxide (NO₂), benzene, and formaldehyde. Methane emis-
34 sions can occur even when the gas stove is turned off. According to the
35 Concerned Health Professionals of New York and the Physicians for Social
36 Responsibility, "Nearly three-quarters of methane emissions from gas
37 stoves take place while the stove is turned off and not in use. At the
38 same time levels of hazardous air pollutants from everyday use of gas
39 stoves often exceed the limits of outdoor air quality standards. Indoor
40 concentrations are often much higher than health-protective guidelines
41 set by the World Health Organization."

42 8. According to the Centers for Disease Control and Prevention,
43 "Carbon monoxide, or "CO," is an odorless, colorless gas that can kill
44 you". The New York State Department of Health refers to carbon monoxide
45 as a poisonous gas. Approximately 430 people die each year from carbon
46 monoxide exposure. Thousands more become ill and seek medical attention.
47 Carbon monoxide poisoning is estimated to cause more than 50,000 emer-
48 gency room visits in the United States each year. According to the New
49 York State Department of Health, annually, "In New York State, about 200
50 people are hospitalized and over 1800 people visit an emergency depart-
51 ment because of accidental CO poisoning." The numbers of accidental
52 poisonings are on the rise. The U.S. Consumer Product Safety Commission
53 "found evidence of a statistically significant upward trend in non-fire
54 CO deaths for the 11-year period from 2009 to 2019". According to
55 Preventative Medicine reports, "Accidental, non-fire related poisoning
56 accounts for over \$1.3 billion annually in societal costs."

1 9. Notably, while carbon monoxide alarms are an important preventative
2 measure to lower the risk of carbon monoxide poisoning, they are not
3 guaranteed to be effective. According to the National Carbon Monoxide
4 Awareness Association: "Only 14% of families in the US have a properly
5 functioning carbon monoxide alarm". An earlier report showed that in
6 2009, 83% of NYC residents reported having CO alarms. However, only 54%
7 of them had recently tested or replaced their batteries.

8 10. Nitrogen dioxide, or NO₂, is a gaseous air pollutant composed of
9 nitrogen and oxygen and is formed when fossil fuels are burned. The EPA
10 has determined that NO₂ is "causal" of more severe respiratory symptoms
11 in people with asthma and that long-term exposure to NO₂ is "likely
12 causal" of respiratory illnesses such as asthma. The New England Journal
13 of Medicine has found that, "Gas combustion in stoves, boilers and
14 furnaces generates oxides of nitrogen," to which the article attributes,
15 "Increased asthma risk; exacerbation of COPD and cardiovascular
16 disease". The EPA includes NO₂ on its list of asthma triggers, and
17 "unvented combustion appliances, e.g. gas stoves" is first on its list
18 of "primary sources of NO₂ indoors".

19 11. Each year, asthma accounts for more than 439,000 hospitalizations,
20 1.6 million emergency department visits, and 10.5 million physician
21 office visits in the United States. About 10 people die from the disease
22 every day. Asthma has been linked to 13.8 million missed school days and
23 14.2 million missed workdays annually. The cost of treating asthma in
24 the United States is \$62.8 billion every year.

25 12. A 2013 meta-analysis of 41 studies found that children living in
26 homes with gas stoves had a 42 percent higher risk of experiencing asth-
27 ma symptoms, and, over their lifetime, a 24 percent increase in the risk
28 of being diagnosed with asthma, and a 2022 peer-reviewed research paper
29 published in the International Journal of Environmental Research and
30 Public Health found that more than 12% of current childhood asthma cases
31 in the US can be attributed to gas stove use. The same paper suggests
32 that attribution number is 18.8% of children with asthma in New York
33 State.

34 13. The asthma crisis does not equally affect all New York communi-
35 ties. Black Americans are approximately two times more likely to die of
36 asthma than White Americans. Further, the percentage of Black children
37 in the U.S. suffering from asthma is nearly twice that of White chil-
38 dren, and their death rate is ten times higher. According to a 2023
39 joint report from the New York State Department of Health and the New
40 York City Department of Health and Mental Hygiene, "The burden of asthma
41 falls disproportionately among specific demographic groups, specifically
42 for persons and communities of color, where asthma prevalence is higher
43 among Black, American Indian, and multiracial New Yorkers." The Centers
44 for Disease Control and Prevention concurs with the assessment of
45 disproportionate burden.

46 14. While the age-adjusted asthma mortality rate for New York City is
47 higher than for New York State as a whole, with the Bronx demonstrating
48 a notably higher mortality rate than the other boroughs, this problem
49 should not be construed as a New York City issue. Other hotspots exist
50 around the state. For example, years of academic research has convinc-
51 ingly demonstrated alarmingly high rates of asthma on Buffalo's West
52 Side. A study by Dr. Lwebuga-Mukasa, Professor of Medicine at the
53 University of Buffalo, found that "nearly 45% of West Side households
54 reported at least one case of chronic respiratory illness or asthma".

55 15. Gas and propane combustion from gas stoves emits benzene. A study
56 from the Stanford Woods Institute for the Environment found that a

1 single gas cooktop burner set on high, or an oven set at 350 degrees
2 Fahrenheit can, "raise indoor levels of the carcinogen benzene above
3 those of secondhand smoke". According to the World Health Organization,
4 "Human exposure to benzene has been associated with a range of acute and
5 long-term adverse health effects and diseases, including cancer and
6 haematological effects."

7 16. Formaldehyde is listed as a human carcinogen and has been found at
8 more elevated levels associated with gas burners set to "simmer".

9 17. Ventilation of gas stove emissions to the outdoors can improve
10 indoor air quality. However, many homeowners do not have ventilation,
11 and it is not required by state law. In addition, studies also show that
12 many people who have ventilation systems don't use them, often because
13 of noise concerns. Vents can become blocked with debris and the effec-
14 tiveness of ventilation systems can be compromised by changes in air
15 pressure in the building envelope caused by the opening of windows or
16 doors or the activation of bathroom fans, for example. Lastly, some
17 people with range hoods may be under the mistaken belief that pollutants
18 are being vented outdoors when in fact many hoods simply recirculate the
19 air into the kitchen after filtering it. The effectiveness of filtration
20 varies widely and is partially based on active maintenance of the
21 filtration system.

22 18. Therefore it is the intent of the legislature to promote public
23 health, support informed consumer choice, and create consistent public
24 policy, by requiring labeling regarding the health impacts of gas
25 stoves.

26 § 3. The general business law is amended by adding a new section 322-d
27 to read as follows:

28 § 322-d. Labeling requirements for gas stoves. 1. For the purposes of
29 this section, "gas stove" means a stove or range that utilizes natural
30 gas or propane and is used for indoor food preparation, whether in a
31 commercial or residential setting, and provides at least one of the
32 following functions:

33 (a) surface cooking;

34 (b) oven cooking; or

35 (c) broiling.

36 2. No person, firm, partnership, association, or corporation shall
37 manufacture, distribute, assemble, sell or offer for sale any new gas
38 stove unless the following requirements are met:

39 (a) A removable label is affixed to the gas stove, and a label is
40 either affixed to or printed on the package in which it is contained, if
41 applicable. Such label shall contain the following message:

42 "WARNING: Gas stoves can emit health harming pollutants (such as
43 NITROGEN DIOXIDE, CARBON MONOXIDE, BENZENE, and FORMALDEHYDE) at
44 potentially unsafe levels inside homes. The presence of these pollu-
45 tants can affect your health and may exacerbate or contribute to the
46 development of respiratory illnesses. Properly installed and operating
47 ventilation to the outdoors can reduce but not eliminate emissions."

48 (b) Such label shall be in a type size no smaller than the largest
49 type size used for other consumer information on the gas stove or pack-
50 age, and shall be in an easily viewable and accessible location on the
51 gas stove or package.

52 3. The department of state shall adopt regulations regarding the
53 placement and format of such labels outlined in subdivision two of this
54 section.

1 4. The department of state shall make available on its website a model
2 label, outlined in subdivision two of this section that can be used to
3 comply with the provisions of this section.

4 5. Any person who violates any provision of this section shall receive
5 a warning notice for the first such violation. A person shall be liable
6 to the state of New York for a civil penalty not to exceed two hundred
7 fifty dollars for the second violation and not to exceed one thousand
8 dollars for any subsequent violation. A hearing or opportunity to be
9 heard shall be provided prior to the assessment of any civil penalty.

10 6. The department of state and the office of the attorney general are
11 authorized to enforce the provisions of this section.

12 § 4. This act shall take effect one year after it shall have become a
13 law.