STATE OF NEW YORK

7821--A

Cal. No. 1417

2025-2026 Regular Sessions

IN SENATE

May 9, 2025

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

AN ACT to amend the general business law, in relation to prohibiting the sale of children's products, mattresses and upholstered furniture containing fiberglass unless they contain a prominent label

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-iii to read as follows:

§ 399-iii. Labeling of children's products, mattresses and upholstered furniture containing fiberglass. 1. For purposes of this section:

(a) "Children's product" shall mean a product, other than clothing, primarily intended for use by infants and children under twelve years of age. The following shall be considered in determining if the product is intended for a child under twelve years of age:

(i) A statement by a manufacturer about the intended use of such toy or article, including a label on such toy or article;

(ii) The context and manner of the advertising, promotion, and marketing associated with the toy or article; and

(iii) Whether the toy or article is commonly recognized by consumers as being intended for use by a child under twelve years of age.

(b) "Children's product" shall not include:

(i) a children's electronic product, including, but not limited to, a personal computer, audio and video equipment, calculator, wireless phone, game console, handheld device incorporating a video screen, or any associated peripheral such as a mouse, keyboard, power supply unit, or power cord;

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

LBD11364-08-5

(ii) a medical device; or

(iii) an internal component of a children's product that would not come into direct contact with a child's skin or mouth during reasonably foreseeable use and abuse of the product.

2. No manufacturer shall sell, offer for sale or distribute in this state any new children's product, mattress, or upholstered furniture that contains, or a constituent component of which contains, fiberglass, unless it contains a prominent permanent label which informs the consumer that the product should be handled with care because it contains fiberglass which can be harmful to the consumer if ingested, inhaled, or exposed to skin. Such label must be securely attached to the product or packaging in a manner that it may be seen by consumers prior to and throughout the duration of the product's use.

3. A custom upholsterer shall not repair, reupholster, recover, restore, or renew any children's product, mattress, upholstered furniture, or reupholstered furniture using a replacement component that contains, or a constituent component of which contains, fiberglass.

4. A violation of the provisions of this section shall be punishable by a civil penalty not to exceed five hundred dollars for each violation.

§ 2. This act shall take effect January 1, 2026. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.