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I N   A S S E M B L Y

May 25, 2010

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Introduced by M. of A. KOON -- read once and referred to the Committee  
on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to prohibiting the  
manufacture, distribution and sale of toys and child care products,  
containing bisphenol-A or phthalates, which are intended for use by or  
upon a child under the age of fourteen years

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

- 1     Section 1. The general business law is amended by adding a new section  
2     397-b to read as follows:  
3     S 397-B. TOYS AND CHILD CARE PRODUCTS; BISPHENOL-A AND PHTHALATES. 1.  
4     THE LEGISLATURE HEREBY FINDS THAT BISPHENOL-A, AN ESTROGEN-MIMICKING  
5     ENDOCRINE DISRUPTER CHEMICAL, IS USED IN THE PRODUCTION OF EPOXY RESINS  
6     AND POLYCARBONATE PLASTICS, AND IS THE MAIN INGREDIENT IN HARD POLYCAR-  
7     BONATE PLASTICS. THESE PLASTICS ARE USED IN MANY FOOD AND DRINK PACKAG-  
8     ING APPLICATIONS, AND THE RESINS ARE COMMONLY USED AS LACQUERS TO COAT  
9     METAL PRODUCTS SUCH AS FOOD CANS, BOTTLE TOPS AND WATER SUPPLY PIPES.  
10    BISPHENOL-A HAS BEEN SHOWN TO HAVE HORMONE DISRUPTING EFFECTS, AND IS  
11    ALSO USED IN MANY PRODUCTS INTENDED FOR USE BY YOUNG CHILDREN INCLUDING  
12    TOYS, PACIFIERS, BABY BOTTLES AND TEETHERS.  
13    THE LEGISLATURE ALSO FINDS THAT PHTHALATES ARE CHEMICALS USED TO PLAS-  
14    TICIZE SOME FOOD CONTAINERS, PLASTIC WRAP, TOYS, SHAMPOOS, PERFUMES AND  
15    BEAUTY PRODUCTS. SUCH CHEMICALS HAVE BEEN SHOWN TO HAVE HORMONE DISRUPT-  
16    ING EFFECTS.  
17    2. NO PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPA-  
18    NY OR CORPORATION SHALL MANUFACTURE, DISTRIBUTE, SELL OR OFFER FOR SALE  
19    ANY TOY OR CHILD CARE PRODUCT CONTAINING BISPHENOL-A, INTENDED FOR USE  
20    BY A CHILD UNDER FOURTEEN YEARS OF AGE.  
21    3. FOR THE PURPOSES OF THIS SECTION, "PHTHALATES" MEANS  
22    DI(2-ETHYLHEXYL) PHTHALATE (DEHP), DIBUTYL PHTHALATE (DBP), BENZYL BUTYL  
23    PHTHALATE (BBP), DIISONONYL PHTHALATE (DINP), DIISODECYL PHTHALATE  
24    (DIDP), OR DI-N-OCTYL PHTHALATE (DNOP).  
25    4. NO PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPA-  
26    NY OR CORPORATION SHALL MANUFACTURE, DISTRIBUTE, SELL OR OFFER FOR SALE

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

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1 ANY TOY OR CHILD CARE PRODUCT CONTAINING ANY INDIVIDUAL PHTHALATE OR  
2 MULTIPLE PHTHALATES IN CONCENTRATIONS IN EXCESS OF 0.1 PERCENT.

3 5. NO PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPA-  
4 NY OR CORPORATION SHALL MANUFACTURE, DISTRIBUTE, SELL OR OFFER FOR SALE  
5 ANY TOY OR CHILD CARE PRODUCT CONTAINING ANY INDIVIDUAL PHTHALATE OR  
6 MULTIPLE PHTHALATES IN CONCENTRATIONS IN EXCESS OF 0.1 PERCENT, INTENDED  
7 FOR USE BY A CHILD UNDER FOURTEEN YEARS OF AGE WHEN SUCH TOY OR PRODUCT  
8 MAY BE PLACED IN THE CHILD'S MOUTH.

9 6. EVERY MANUFACTURER OF A PRODUCT OR TOY PROHIBITED BY THIS SECTION  
10 SHALL USE THE LEAST TOXIC ALTERNATIVE TO THE BISPHENOL-A OR PHTHALATE IN  
11 THE TOY OR PRODUCT. SUCH ALTERNATIVE SHALL NOT BE (I) A CARCINOGEN RATED  
12 BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AS A, B OR C CARCI-  
13 NOGENS, OR SUBSTANCES LISTED AS KNOWN OR LIKELY CARCINOGENS, KNOWN TO BE  
14 HUMAN CARCINOGENS, LIKELY TO BE HUMAN CARCINOGENS OR SUGGESTIVE OF BEING  
15 HUMAN CARCINOGENS, AS DESCRIBED IN THE "LIST OF CHEMICALS EVALUATED FOR  
16 CARCINOGEN POTENTIAL"; OR (II) REPRODUCTIVE TOXICANTS THAT CAUSE BIRTH  
17 DEFECTS, REPRODUCTIVE HARM OR DEVELOPMENTAL HARM AS IDENTIFIED BY THE  
18 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

19 7. ANY PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY  
20 COMPANY OR CORPORATION WHICH VIOLATES ANY PROVISION OF THIS SECTION  
21 SHALL BE LIABLE FOR A CIVIL FINE OF NOT LESS THAN TEN THOUSAND DOLLARS  
22 FOR EACH DAY OF SUCH VIOLATION.

23 S 2. This act shall take effect on the first of January next succeed-  
24 ing the date on which it shall have become a law.