S T A T E O F N E W Y O R K

4501--A

Cal. No. 835

2009-2010 Regular Sessions

I N A S S E M B L Y

February 4, 2009

Introduced by M. of A. ESPAILLAT, COOK, JOHN -- Multi-Sponsored by -- M. of A. COLTON, ORTIZ, TOWNS -- read once and referred to the Committee on Consumer Affairs and Protection -- recommitted to the Committee on Consumer Affairs and Protection in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to giving notice of the hazard of early childhood tooth decay upon the sale of baby-bottles and sippy cups

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 391-q to read as follows:

S 391-Q. BABY-BOTTLES AND SIPPY CUPS; LABEL REQUIRED. 1. DEFINITIONS. AS USED IN THIS SECTION, THE TERM:

A. "SIPPY CUP" SHALL MEAN A VESSEL WITH A DUCK-BILLED LID, BILL-SHAPED EXTENSION OR BILL-SHAPED SPOUT;

B. "PACKAGING" SHALL MEAN ANY TYPE OF CONTAINER, ARTICLE, OR ITEM THAT IS USED TO CONTAIN OR HOLD AN INDIVIDUAL OR GROUP OF BABY-BOTTLES AND/OR SIPPY CUPS WHEN SOLD TO CONSUMERS. PACKAGING SHALL NOT INCLUDE THE CONTAINER, ARTICLE, OR ITEM THAT IS USED TO CONTAIN OR HOLD AN INDIVIDUAL OR GROUP OF BABY-BOTTLES AND/OR SIPPY CUPS WHEN SUCH ARE SHIPPED TO THE MERCHANT OR RETAILER.

2. EVERY MANUFACTURER OR IMPORTER OF BABY-BOTTLES AND/OR SIPPY CUPS SOLD OR DISTRIBUTED IN NEW YORK STATE SHALL LABEL SUCH PRODUCT, OR ITS PACKAGING IN LIKE OR SIMILAR TERMS TO THE FOLLOWING:

"WARNING: ALLOWING YOUR CHILD TO SPEND PROLONGED PERIODS OF TIME DRINKING LIQUIDS, OTHER THAN WATER, FROM THIS BABY-BOTTLE OR SIPPY CUP (WHICHEVER IS APPLICABLE TO THE PRODUCT UPON WHICH THE LABEL WILL BE PLACED) MAY CAUSE EARLY CHILDHOOD TOOTH DECAY."

SUCH LABEL SHALL BE CLEAR AND CONSPICUOUS.

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

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3. A VIOLATION OF THIS SECTION SHALL BE PUNISHABLE BY A CIVIL PENALTY OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS FOR EACH VIOLATION, BUT NOT MORE THAN ONE THOUSAND DOLLARS FOR EACH SUBSEQUENT VIOLATION.

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