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

610

2009-2010 Regular Sessions

I N S E N A T E

January 9, 2009

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to warning labels on certain sports and muscle creams

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

Section 1. Short title. This act shall be known and may be cited as "Arielle's law".

S 2. The general business law is amended by adding a new section 391-q to read as follows:

S 391-Q. SALE OR PROMOTIONAL DISTRIBUTION OF SPORTS OR MUSCLE CREAM CONTAINING METHYL SALICYLATE. 1. NO PERSON, FIRM, CORPORATION OR ANY OTHER ENTITY SHALL SELL OR OFFER TO SELL, OR GIVE AWAY AS PART OF A PROMOTIONAL DISTRIBUTION, ANY FORM OF SPORTS OR MUSCLE CREAM CONTAINING METHYL SALICYLATE UNLESS A WARNING LABEL IS DISPLAYED THEREON STATING THAT THE PRODUCT CONTAINS METHYL SALICYLATE AND SHOULD BE USED ONLY AS DIRECTED.

2. A RETAILER WHO VIOLATES THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL BE SUBJECT TO A STOP REMOVAL ORDER TO PERMANENTLY REMOVE SUCH UNITS FROM SALE FOR A FIRST VIOLATION AND TO A CIVIL PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS FOR EACH SUBSEQUENT VIOLATION. MANUFACTURERS, WHOLESALERS AND DISTRIBUTORS WHO VIOLATE THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS FOR EACH VIOLATION THEREOF.

S 3. This act shall take effect immediately.

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

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