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

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I N A S S E M B L Y

May 1, 2012

Introduced by M. of A. JOHNS -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to including difluoroethane in the definition of a "hazardous substance" and requiring warning labels on products containing difluoroethane

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

Section 1. Paragraph (b) of subdivision 1 of section 3380 of the public health law, as amended by chapter 234 of the laws of 1985, is amended to read as follows:

(b) As used in this section "hazardous inhalants" shall mean and include any of the preparations of compounds containing one or more of the FOLLOWING chemical compounds[;]: DIFLUOROETHANE, amyl nitrite, isoamyl nitrite, butyl nitrite, isobutyl nitrite, pentyl nitrite or any other akyl nitrite compound that is either designed to be used, or commonly used, as an inhalant.

S 2. Section 3380 of the public health law is amended by adding a new subdivision 4-a to read as follows:

4-A. THE COMMISSIONER MAY, UPON THE APPLICATION OF A MANUFACTURER OR SELLER OF A PRODUCT CONTAINING DIFLUOROETHANE AND INTENDED FOR SALE AT RETAIL, AUTHORIZED THE SALE OF SUCH A PRODUCT IF THE MANUFACTURER OR SELLER TAKES THE FOLLOWING STEPS:

(A) CLEARLY INDICATES THE LEGITIMATE PURPOSE OR USE OF THE PRODUCT ON THE PACKAGE;

(B) PROMINENTLY DISPLAYS ON THE PACKAGE, IN HEAVY BOLD TYPE PRINT, LANGUAGE WHICH WARNS OF HEALTH DANGERS RESULTING FROM THE MISUSE OF DIFLUOROETHANE; AND

(C) EDUCATES WHOLESALE AND RETAIL BUSINESSES WHICH SELL THE PRODUCT OF THE DANGERS OF DIFLUOROETHANE AND THE NEED TO MONITOR ITS SALE.

S 3. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that 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 and directed to be made and completed on or before such effective date.

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

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