

LBD08997-02-1

1 SELL OR OFFER FOR SALE ANY CHILD CARE PRODUCT INTENDED FOR USE BY A
2 CHILD THREE YEARS OF AGE OR YOUNGER CONTAINING TRIS.

3 2. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE SALE OR
4 DISTRIBUTION OF CHILD CARE PRODUCTS RESOLD OR OFFERED FOR RESALE, OR
5 DISTRIBUTED BY CONSUMERS FOR CONSUMER USE.

6 S 37-0707. PREEMPTION.

7 JURISDICTION IN ALL MATTERS PERTAINING TO TRIS WHICH ARE REGULATED
8 PURSUANT TO THE PROVISIONS OF THIS TITLE SHALL BE VESTED EXCLUSIVELY IN
9 THE STATE.

10 S 37-0709. RULES AND REGULATIONS.

11 THE DEPARTMENT IS AUTHORIZED TO PROMULGATE SUCH RULES AND REGULATIONS
12 AS IT SHALL DEEM NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS TITLE.

13 S 3. Section 71-3703 of the environmental conservation law, as amended
14 by chapter 280 of the laws of 2010, is amended to read as follows:

15 S 71-3703. Enforcement of article 37.

16 1. Any person who violates any of the provisions of, or who fails to
17 perform any duty imposed by section 37-0107 or any rule or regulation
18 promulgated pursuant hereto, shall be liable for a civil penalty not to
19 exceed two thousand five hundred dollars for each such violation and an
20 additional penalty of not more than five hundred dollars for each day
21 during which such violation continues, and, in addition thereto, such
22 person may be enjoined from continuing such violation.

23 2. Any person who violates any of the provisions of, or who fails to
24 perform any duty imposed by section 37-0505 or any rule or regulation
25 promulgated pursuant hereto, shall be liable for a civil penalty not to
26 exceed one thousand dollars for each day during which such violation
27 continues, and in addition thereto, such person may be enjoined from
28 continuing such violation. Such person shall for a second violation be
29 liable to the people of the state for a civil penalty not to exceed two
30 thousand five hundred dollars for each day during which such violation
31 continues.

32 3. ANY PERSON WHO VIOLATES ANY OF THE PROVISIONS OF, OR WHO FAILS TO
33 PERFORM ANY DUTY IMPOSED BY SECTION 37-0705 OR ANY RULE OR REGULATION
34 PROMULGATED PURSUANT HERETO, SHALL BE LIABLE FOR A CIVIL PENALTY NOT TO
35 EXCEED ONE THOUSAND DOLLARS FOR EACH DAY DURING WHICH SUCH VIOLATION
36 CONTINUES, AND IN ADDITION THERETO, SUCH PERSON MAY BE ENJOINED FROM
37 CONTINUING SUCH VIOLATION. SUCH PERSON SHALL FOR A SECOND VIOLATION BE
38 LIABLE TO THE PEOPLE OF THE STATE FOR A CIVIL PENALTY NOT TO EXCEED TWO
39 THOUSAND FIVE HUNDRED DOLLARS FOR EACH DAY DURING WHICH SUCH VIOLATION
40 CONTINUES.

41 S 4. This act shall take effect immediately.