

6195--A
2011-2012 Regular Sessions
I N A S S E M B L Y
March 9, 2011

LBD08997-05-1

1 S 37-0705. CHILD CARE PRODUCTS.

2 1. BEGINNING DECEMBER FIRST, TWO THOUSAND THIRTEEN, NO PERSON, FIRM,
3 PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR CORPORATION SHALL
4 SELL OR OFFER FOR SALE ANY CHILD CARE PRODUCT INTENDED FOR USE BY A
5 CHILD THREE YEARS OF AGE OR YOUNGER CONTAINING TRIS.

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

9 S 37-0707. PREEMPTION.

10 JURISDICTION IN ALL MATTERS PERTAINING TO TRIS WHICH ARE REGULATED
11 PURSUANT TO THE PROVISIONS OF THIS TITLE SHALL BE VESTED EXCLUSIVELY IN
12 THE STATE.

13 S 37-0709. RULES AND REGULATIONS.

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

16 S 2. Section 71-3703 of the environmental conservation law, as amended
17 by chapter 280 of the laws of 2010, is amended to read as follows:

18 S 71-3703. Enforcement of article 37.

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

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

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

44 S 3. This act shall take effect immediately.