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

7071

2011-2012 Regular Sessions

I N A S S E M B L Y

April 11, 2011

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to the regulation of synthetic turf products

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 390-d to read as follows:

S 390-D. REGULATION OF SYNTHETIC TURF PRODUCTS. 1. DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "SYNTHETIC TURF PRODUCT" SHALL MEAN A SURFACE OF TURF FIBERS COMPOSED OF SYNTHETIC MATERIALS MADE TO RESEMBLE GRASS OR SOME OTHER LIVE VEGETATION THAT IS USED IN PLACE OF GRASS TO SURFACE PARKS, OUTDOOR PLAYING OR ATHLETIC FIELDS, INDOOR ATHLETIC FACILITIES OR OTHER VENUES.

(B) "CERTIFICATION OF COMPLIANCE WITH SYNTHETIC TURF PRODUCT LEAD STANDARDS" SHALL MEAN A DOCUMENT VERIFIED BY A MANUFACTURER OF A PARTICULAR SYNTHETIC TURF PRODUCT WHICH SHALL INCLUDE THE LEAD CONTENT LEVEL IN PARTS PER MILLION WITH REFERENCE TO SUCH SYNTHETIC TURF PRODUCT.

2. REQUIREMENTS FOR USERS OF SYNTHETIC TURF. NO PERSON MAY INSTALL OR CAUSE TO INSTALL A SYNTHETIC TURF PRODUCT ON ANY PART OF THE GROUNDS OF ANY PIECE OF PUBLIC OR PRIVATE PROPERTY THAT CONSISTS OF SYNTHETIC TURF PRODUCT MATERIALS CONTAINING FIFTY OR MORE PARTS OF LEAD PER EACH ONE MILLION PARTS OF ANY SYNTHETIC TURF PRODUCT MATERIAL EXAMINED.

3. ENFORCEMENT OF THIS SECTION. (A) WHENEVER THE ATTORNEY GENERAL SHALL BELIEVE FROM EVIDENCE SATISFACTORY TO HIM OR HER THAT ANY PERSON, FIRM, CORPORATION OR ASSOCIATION OR AGENT OR EMPLOYEE THEREOF HAS VIOLATED ANY PROVISION OF THIS SECTION, HE OR SHE MAY BRING AN ACTION IN THE SUPREME COURT OF THE STATE OF NEW YORK FOR A JUDGMENT ENJOINING THE CONTINUANCE OF SUCH VIOLATION AND REQUIRING ANY NECESSARY REMEDIATION, AND FOR A CIVIL PENALTY OF NOT MORE THAN TEN THOUSAND DOLLARS FOR EACH

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

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VIOLATION, EXCEPT THAT THE COURT MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN THIRTY THOUSAND DOLLARS IF THE VIOLATION IS KNOWING AND WILLFUL. IF IT SHALL APPEAR TO THE SATISFACTION OF THE COURT OR JUSTICE THAT THE DEFENDANT HAS VIOLATED ANY PROVISION OF THIS SECTION, NO PROOF SHALL BE REQUIRED THAT ANY PERSON HAS BEEN INJURED THEREBY NOR THAT THE DEFENDANT KNOWINGLY OR INTENTIONALLY VIOLATED SUCH PROVISION. IN SUCH ACTION PRELIMINARY RELIEF MAY BE GRANTED UNDER ARTICLE SIXTY-THREE OF THE CIVIL PRACTICE LAW AND RULES. BEFORE ANY VIOLATION OF THIS SECTION IS SOUGHT TO BE ENJOINED, THE ATTORNEY GENERAL SHALL BE REQUIRED TO GIVE THE PERSON AGAINST WHOM SUCH PROCEEDING IS CONTEMPLATED NOTICE BY CERTIFIED MAIL AND AN OPPORTUNITY TO PRODUCE A CERTIFICATION OF COMPLIANCE WITH SYNTHETIC TURF PRODUCT LEAD STANDARDS WITHIN FIVE BUSINESS DAYS AFTER RECEIPT OF NOTICE THAT WOULD ESTABLISH THAT PROCEEDINGS SHOULD NOT BE INSTITUTED AGAINST HIM OR HER UNLESS THE ATTORNEY GENERAL SHALL FIND, IN ANY CASE IN WHICH HE OR SHE SEEKS PRELIMINARY RELIEF, THAT TO GIVE SUCH NOTICE AND OPPORTUNITY IS NOT IN THE PUBLIC INTEREST.

(B) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO SYNTHETIC TURF PRODUCTS INSTALLED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

S 2. This act shall take effect immediately.