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

8451

2011-2012 Regular Sessions

I N A S S E M B L Y

June 16, 2011

Introduced by M. of A. SWEENEY -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to prohibiting the sale of child care products containing TCEP

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

Section 1. The title heading of title 7 of article 37 of the environmental conservation law, as amended by a chapter of the laws of 2011 amending the environmental conservation law relating to prohibiting the sale of child products containing TRIS, as proposed in legislative bills numbers A.6195-A and S.4085-A, is amended to read as follows:

TITLE VII

[TRIS] TCEP

S 2. Section 37-0701 of the environmental conservation law, as amended by a chapter of the laws of 2011 amending the environmental conservation law relating to prohibiting the sale of child products containing TRIS, as proposed in legislative bills numbers A.6195-A and S.4085-A, is amended to read as follows:

S 37-0701. Short title.

This title shall be known and may be cited as the "[TRIS-free children and babies] TCEP-FREE CHILD CARE PRODUCTS act".

S 3. Section 37-0703 of the environmental conservation law, as amended by a chapter of the laws of 2011 amending the environmental conservation law relating to prohibiting the sale of child products containing TRIS, as proposed in legislative bills numbers A.6195-A and S.4085-A, is amended to read as follows:

S 37-0703. Definitions.

As used in this title:

1. "Child care product" means a consumer product intended for use by children under three years of age, such as baby products, toys, car seats, nursing pillows, crib mattresses, and strollers.

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

LBD13143-02-1

2. "[TRIS] TCEP" shall [include TCEP (]MEAN TRIS (2-chloroethyl) phosphate[)] CONTAINING MORE THAN ONE-TENTH OF ONE PER CENTUM OF TCEP.

S 4. Section 37-0705 of the environmental conservation law, as amended by a chapter of the laws of 2011 amending the environmental conservation law relating to prohibiting the sale of child products containing TRIS, as proposed in legislative bills numbers A.6195-A and S.4085-A, is amended to read as follows:

S 37-0705. Child care products.

1. Beginning December first, two thousand thirteen, no person, firm, partnership, association, limited liability company or corporation shall sell or offer for sale any child care product intended for use by a child three years of age or younger containing [TRIS] MORE THAN ONE-TENTH OF ONE PER CENTUM OF TCEP.

2. The provisions of this section shall not apply to the sale or distribution of child care products resold or offered for resale, or distributed by consumers for consumer use.

S 5. Section 37-0707 of the environmental conservation law, as amended by a chapter of the laws of 2011 amending the environmental conservation law relating to prohibiting the sale of child products containing TRIS, as proposed in legislative bills numbers A.6195-A and S.4085-A, is amended to read as follows:

S 37-0707. Preemption.

Jurisdiction in all matters pertaining to [TRIS] TCEP which are regulated pursuant to the provisions of this title shall be vested exclusively in the state.

S 6. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2011 amending the environmental conservation law relating to prohibiting the sale of child products containing TRIS, as proposed in legislative bills numbers A.6195-A and S.4085-A, takes effect.