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

February 1, 2012

Introduced by M. of A. JOHNS, ORTIZ, P. RIVERA, BLANKENBUSH, KAVANAGH, TOBACCO, FINCH, CURRAN, CASTRO, CASTELLI -- Multi-Sponsored by -- M. of A. CALHOUN, CROUCH -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to banning bisphenol A from canned foods

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

Section 1. Section 37-0503 of the environmental conservation law, as added by chapter 280 of the laws of 2010, is amended to read as follows:

S 37-0503. Definitions.

As used in this title, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "[child] CHILD care product" means all pacifiers and unfilled beverage containers to be used by children under three years old for the consumption of liquids including pacifiers, baby bottles, baby bottle liners and cups, cup lids, straws and sippy cups.

2. "CANNED FOODS" MEANS ANY CANNED FOOD ITEM THAT HAS BEEN HERMETICALLY SEALED AND COMMERCIALLY PROCESSED AND PREPARED FOR HUMAN CONSUMPTION, INCLUDING CANNED OR PRESERVED FRUITS, VEGETABLES, MEATS OR OTHER ARTICLES OF FOOD.

S 2. The environmental conservation law is amended by adding a new section 37-0506 to read as follows:

S 37-0506. CANNED FOODS.

1. BEGINNING DECEMBER FIRST, TWO THOUSAND TWELVE, NO PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR CORPORATION SHALL SELL OR OFFER FOR SALE ANY CANNED FOOD ITEM THAT HAS BEEN PREPARED AND IS INTENDED FOR HUMAN CONSUMPTION CONTAINING BISPHENOL A.

2. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE SALE OR DISTRIBUTION OF CANNED FOOD ITEMS RESOLD OR OFFERED FOR RESALE, OR DISTRIBUTED BY CONSUMERS FOR CONSUMER USE.

S 3. Section 71-3703 of the environmental conservation law is amended by adding a new subdivision 4 to read as follows:

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

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4. ANY PERSON WHO VIOLATES ANY OF THE PROVISIONS OF, OR WHO FAILS TO PERFORM ANY DUTY IMPOSED BY SECTION 37-0506 OF THIS CHAPTER OR ANY RULE OR REGULATION PROMULGATED PURSUANT HERETO, SHALL BE LIABLE FOR A CIVIL PENALTY NOT TO EXCEED ONE THOUSAND DOLLARS FOR EACH DAY DURING WHICH SUCH VIOLATION CONTINUES, AND IN ADDITION THERETO, SUCH PERSON MAY BE ENJOINED FROM CONTINUING SUCH VIOLATION. SUCH PERSON SHALL FOR A SECOND VIOLATION BE LIABLE TO THE PEOPLE OF THE STATE FOR A CIVIL PENALTY NOT TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS FOR EACH DAY DURING WHICH SUCH VIOLATION CONTINUES.

S 4. This act shall take effect immediately.