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

7752

2011-2012 Regular Sessions

I N A S S E M B L Y

May 16, 2011

Introduced by M. of A. SWEENEY, COLTON, JAFFEE, ORTIZ, JACOBS, GALEF, COOK, MAISEL, P. RIVERA, DINOWITZ, ROSENTHAL, MENG, BENEDETTO, ROBERTS -- Multi-Sponsored by -- M. of A. AUBRY, GLICK, GUNTHER, HOOPER, McENENY, THIELE -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the manufacturing of children's toys and child care products

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

Section 1. Article 37 of the environmental conservation law is amended by adding a new title 4 to read as follows:

TITLE 4

MANUFACTURE OF CHILDREN'S PRODUCTS

SECTION 37-0401. DEFINITIONS.
37-0403. PROHIBITION.
37-0405. LEAST TOXIC ALTERNATIVES.
37-0407. EXCEPTIONS.

S 37-0401. DEFINITIONS.

FOR THE PURPOSES OF THIS CHAPTER, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "TOY" MEANS ALL PRODUCTS DESIGNED OR INTENDED BY THE MANUFACTURER TO BE USED BY CHILDREN WHEN THEY PLAY.

2. "CHILD CARE ARTICLE" MEANS ALL PRODUCTS DESIGNED OR INTENDED BY THE MANUFACTURER TO FACILITATE SLEEP, RELAXATION, OR THE FEEDING OF CHILDREN, OR TO HELP CHILDREN WITH SUCKING OR TEETHING.

S 37-0403. PROHIBITION.

1. COMMENCING JANUARY FIRST, TWO THOUSAND TWELVE, NO PERSON OR ENTITY SHALL MANUFACTURE, SELL, OR DISTRIBUTE IN COMMERCE ANY TOY OR CHILD CARE ARTICLE THAT CONTAINS DI-(2-ETHYLHEXYL) PHTHALATE (DEHP), DIBUTYL PHTHALATE (DBP), OR BENZYL BUTYL PHTHALATE (BBP), IN CONCENTRATIONS EXCEEDING 0.1 PERCENT.

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

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2. COMMENCING JANUARY FIRST, TWO THOUSAND TWELVE, NO PERSON OR ENTITY SHALL MANUFACTURE, SELL, OR DISTRIBUTE IN COMMERCE ANY TOY OR CHILD CARE ARTICLE INTENDED FOR USE BY A CHILD UNDER THREE YEARS OF AGE IF THAT PRODUCT CAN BE PLACED IN THE CHILD'S MOUTH AND CONTAINS DIISONOYL PHTHALATE (DINP), DIISODECYL PHTHALATE (DIDP), OR DI-N-OCTYL PHTHALATE (DNOP), IN CONCENTRATIONS EXCEEDING 0.1 PERCENT.

S 37-0405. LEAST TOXIC ALTERNATIVES.

MANUFACTURERS SHALL USE THE LEAST TOXIC ALTERNATIVE WHEN REPLACING PHTHALATES IN ACCORDANCE WITH THIS TITLE.

S 37-0407. EXCEPTIONS.

THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE SALE OR DISTRIBUTION OF CHILD CARE ARTICLES OR TOYS RESOLD OR OFFERED FOR RESALE, OR DISTRIBUTED BY CONSUMERS FOR CONSUMER USE.

S 2. This act shall take effect immediately.