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

6107

2013-2014 Regular Sessions

I N A S S E M B L Y

March 15, 2013

Introduced by M. of A. ENGLEBRIGHT, KAVANAGH, ROSENTHAL -- Multi-Sponsored by -- M. of A. PEOPLES-STOKES -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to regulation of toys, and food and beverage containers containing bisphenol A

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[, "child]:
1. "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. "TOY" MEANS ALL PRODUCTS DESIGNED OR INTENDED BY THE MANUFACTURER TO BE USED FOR PLAY BY CHILDREN THREE YEARS OF AGE AND YOUNGER.
S 2. Section 37-0505 of the environmental conservation law, as added by chapter 280 of the laws of 2010, is amended to read as follows:
S 37-0505. Child care products AND TOYS.
1. Beginning December first, two thousand ten, 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 bisphenol A.
2. BEGINNING DECEMBER FIRST, TWO THOUSAND FIFTEEN, NO PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR CORPORATION SHALL SELL OR OFFER FOR SALE ANY TOY CONTAINING BISPHENOL A.
3. The provisions of this section shall not apply to the sale or distribution of child care products OR TOYS resold or offered for resale, or distributed by consumers for consumer use.

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

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S 3. Sections 37-0507, 37-0509 and 37-0511 of the environmental conservation law are renumbered sections 37-0509, 37-0511 and 37-0513, and a new section 37-0507 is added to read as follows:

S 37-0507. FOOD AND BEVERAGE CONTAINERS.

1. BEGINNING DECEMBER FIRST, TWO THOUSAND FIFTEEN, NO PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR CORPORATION SHALL SELL OR OFFER FOR SALE ANY LIQUID, FOOD OR BEVERAGE IN A CAN, JAR OR OTHER CONTAINER CONTAINING BISPHENOL A IF THE LIQUID, FOOD OR BEVERAGE IS DESIGNED OR INTENDED PRIMARILY FOR CONSUMPTION BY CHILDREN THREE YEARS OF AGE OR YOUNGER.

2. A MANUFACTURER OF A LIQUID, FOOD OR BEVERAGE PRODUCTS AS IDENTIFIED IN SUBDIVISION ONE OF THIS SECTION MAY APPLY TO THE DEPARTMENT FOR A WAIVER OF THE REQUIREMENTS OF SUBDIVISION ONE OF THIS SECTION FOR A PERIOD OF ONE YEAR, UPON PROOF THAT THERE ARE NO AVAILABLE ALTERNATIVES TO BISPHENOL A IN THE MANUFACTURE OF THE CAN, JAR OR OTHER CONTAINER THAT IS SUBJECT TO THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION. AFTER THE GRANTING OF SUCH A WAIVER TO A MANUFACTURER, IT MAY THEREAFTER APPLY FOR ONE ADDITIONAL ONE YEAR WAIVER.

S 4. This act shall take effect immediately.