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I N A S S E M B L Y

February 4, 2014

Introduced by M. of A. SCHIMEL, ENGLEBRIGHT, JAFFEE, TITONE, COLTON --
Multi-Sponsored by -- M. of A. COOK, GLICK, MOYA, NOLAN, RIVERA, WEIS-
ENBERG -- read once and referred to the Committee on Environmental
Conservation -- committee discharged, bill amended, ordered reprinted
as amended and recommitted to said committee -- again reported from
said committee with amendments, ordered reprinted as amended and
recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to
prohibiting the sale of cleaning products containing triclosan,
triclocarban or derivatives of such antibacterial compounds

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

1 Section 1. The environmental conservation law is amended by adding a
2 new section 37-0115 to read as follows:
3 S 37-0115. PROHIBITION OF TRICLOSAN, TRICLOCARBAN OR DERIVATIVES OF SUCH
4 ANTIBACTERIAL COMPOUNDS.
5 1. NO PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPA-
6 NY OR CORPORATION SHALL SELL OR OFFER FOR SALE ANY CLEANING PRODUCTS
7 CONTAINING TRICLOSAN, TRICLOCARBAN, OR DERIVATIVES OF SUCH ANTIBACTERIAL
8 COMPOUNDS, WITHIN NEW YORK STATE, PROVIDED, HOWEVER, THAT THIS SECTION
9 SHALL NOT PROHIBIT THE SALE OF PRODUCTS CONTAINING SUCH ANTIBACTERIAL
10 COMPOUNDS THAT ARE USED SOLELY IN MEDICAL FACILITIES.
11 2. THE DEPARTMENT IS AUTHORIZED TO PROMULGATE SUCH RULES AND REGU-
12 LATIONS AS IT SHALL DEEM NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS
13 SECTION.
14 S 2. Section 37-0101 of the environmental conservation law is amended
15 by adding a new subdivision 7 to read as follows:
16 7. "CLEANING PRODUCTS" MEANS, BUT ARE NOT LIMITED TO, DISHWASHING
17 LIQUIDS, LAUNDRY DETERGENTS, FABRIC SOFTENERS, DISINFECTANTS, SPONGES,
18 MOP HEADS, BROOMS, GARBAGE BAGS, CLEANING AGENTS, ANTIBACTERIAL SOAPS,
19 HAND SOAPS, BAR SOAPS, LIQUID SOAPS, HAND SANITIZERS, SKIN PURIFYING
20 WIPES, BODY WASHES, FACIAL AND BODY CLEANSERS, SHAMPOOS, AND CONDITION-
21 ERS.

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

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

3 4. ANY PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY
4 COMPANY, OR CORPORATION WHO VIOLATES ANY OF THE PROVISIONS OF SECTION
5 37-0115 OR ANY RULE OR REGULATION PROMULGATED PURSUANT HERETO, SHALL BE
6 LIABLE FOR A CIVIL PENALTY NOT TO EXCEED ONE THOUSAND DOLLARS FOR EACH
7 DAY DURING WHICH SUCH VIOLATION CONTINUES, AND IN ADDITION THERETO, SUCH
8 PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY, OR
9 CORPORATION MAY BE ENJOINED FROM CONTINUING SUCH VIOLATION. SUCH
10 PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY, OR
11 CORPORATION SHALL FOR A SECOND VIOLATION BE LIABLE TO THE PEOPLE OF THE
12 STATE FOR A CIVIL PENALTY NOT TO EXCEED TWO THOUSAND FIVE HUNDRED
13 DOLLARS FOR EACH DAY DURING WHICH SUCH VIOLATION CONTINUES.

14 S 4. This act shall take effect one year and six months after it shall
15 have become a law; provided, however, that effective immediately the
16 addition and/or repeal of any rule or regulation necessary for the
17 implementation of this act on its effective date are authorized and
18 directed to be made and completed on or before one year after this act
19 shall have become a law.