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

5298--A

2013-2014 Regular Sessions

I N A S S E M B L Y

February 22, 2013

Introduced by M. of A. ROZIC, JAFFEE, MILLER, MILLMAN, WEPRIN, ORTIZ, COOK, ROBERTS -- Multi-Sponsored by -- M. of A. ABINANTI, AUBRY, BRENNAN, GALEF, MARKEY -- read once and referred to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to prohibiting the manufacture, distribution and sale of children's foam mats containing formamide

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

FORMAMIDE

SECTION 37-0401. SHORT TITLE.
37-0403. DEFINITIONS.
37-0405. FOAM MAT PRODUCTS.
37-0407. PREEMPTION.
37-0409. RULES AND REGULATIONS.

S 37-0401. SHORT TITLE.

THIS TITLE SHALL BE KNOWN AND MAY BE CITED AS THE "FORMAMIDE-FREE CHILDREN'S PRODUCT ACT".

S 37-0403. DEFINITIONS.

AS USED IN THIS TITLE: (A) "FOAM MAT PRODUCT" MEANS ALL MATS, PADS, MATTRESSES AND CUSHIONS DESIGNED FOR USE BY CHILDREN THREE YEARS OLD OR YOUNGER, INCLUDING MATS, PADS, MATTRESSES AND CUSHIONS USED AS OR IN CONNECTION WITH BEDDING, CHANGING PLATFORMS, STROLLERS AND CARRIAGES, HIGH CHAIRS, CAR SEATS, PLAY PENS AND TOYS.

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

LBD03044-02-4

(B) "FORMAMIDE" MEANS THE CHEMICAL IDENTIFIED BY CAS NUMBER 75-12-7, INCLUDING METHANAMIDE AND CARBAMALDEHYDE.

S 37-0405. FOAM MAT PRODUCTS.

1. BEGINNING DECEMBER FIRST, TWO THOUSAND SIXTEEN, NO PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR CORPORATION SHALL SELL OR OFFER FOR SALE IN THIS STATE ANY FOAM MAT PRODUCT CONTAINING FORMAMIDE.

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

S 37-0407. PREEMPTION.

JURISDICTION IN ALL MATTERS PERTAINING TO FORMAMIDE WHICH ARE REGULATED PURSUANT TO THE PROVISIONS OF THIS TITLE SHALL BE VESTED EXCLUSIVELY IN THE STATE.

S 37-0409. RULES AND REGULATIONS.

THE DEPARTMENT IS AUTHORIZED TO PROMULGATE SUCH RULES AND REGULATIONS AS IT SHALL DEEM NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS TITLE.

S 2. This act shall take effect immediately.