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

January 30, 2014

Introduced by M. of A. SCHIMEL, ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. MOSLEY -- read once and referred to the Committee on Environmental Conservation -- 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 sale of personal care products or cosmetics containing microbeads

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

Section 1. The environmental conservation law is amended by adding a new section 37-0115 to read as follows:

S 37-0115. PROHIBITION OF SALE OF PERSONAL CARE PRODUCTS AND COSMETICS CONTAINING MICROBEADS.

1. NO PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR CORPORATION SHALL SELL OR OFFER FOR SALE ANY PERSONAL CARE PRODUCTS OR COSMETICS CONTAINING MICROBEADS WITHIN NEW YORK STATE.

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

S 2. Section 37-0101 of the environmental conservation law is amended by adding three new subdivisions 7, 8 and 9 to read as follows:

7. "MICROBEADS" MEANS MICRO POLYMER PARTICLES, LESS THAN FIVE MILLIMETERS IN DIAMETER, THAT IS MADE OF SYNTHETIC OR SEMI-SYNTHETIC POLYMERIC MATERIALS SUCH AS, BUT NOT LIMITED TO, POLYETHYLENE (PE), POLYPROPYLENE (PP), POLYETHYLENE TEREPHTHALATE (PET), POLYMETHYL METHACRYLATE (PMMA), OR A COMBINATION OF SUCH POLYMERS.

8. "PERSONAL CARE PRODUCTS" MEANS CONSUMER PRODUCTS MANUFACTURED FOR USE IN PERSONAL HYGIENE AND BEAUTIFICATION. PERSONAL CARE PRODUCTS SHALL INCLUDE, BUT ARE NOT LIMITED TO, ANTIBACTERIAL SOAPS, HAND SOAPS, BAR SOAPS, LIQUID SOAPS, BODY WASHES, LOTIONS, MOISTURIZERS, FACIAL AND BODY CLEANERS, FACIAL MASKS, EXFOLIATING FACIAL SCRUBS, SUNSCREENS, ACNE TREATMENT PRODUCTS, SHAMPOOS, CONDITIONERS, TOOTHPASTES, SHAVING CREAMS AND GELS, AND FOOT CARE PRODUCTS.

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

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9. "COSMETICS" MEANS CONSUMER PRODUCTS MANUFACTURED FOR USE IN BEAUTIFICATION. COSMETICS SHALL INCLUDE, BUT ARE NOT LIMITED TO, LIP GLOSS, LIPSTICK, LIP BALM, LIP LINER, EYE SHADOW, EYE LINER, MASCARA, BLUSH, FOUNDATION, CONCEALER, POWDER, PRIMER, BLEMISH COVER STICKS, BRONZER, SKIN LIGHTENING CREAM, AND HAIR AND MAKEUP REMOVER PRODUCTS.

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

4. ANY PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY, OR CORPORATION WHO VIOLATES ANY OF THE PROVISIONS OF SECTION 37-0115 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, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY, OR CORPORATION MAY BE ENJOINED FROM CONTINUING SUCH VIOLATION. SUCH PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY, OR CORPORATION 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 one year and six months after it shall have become a law; provided, however, that effective immediately the addition and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before one year after this act shall have become a law.