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

February 4, 2014

Introduced by M. of A. SCHIMEL, ENGLEBRIGHT, JAFFEE, TITONE, COLTON -- Multi-Sponsored by -- M. of A. COOK, GLICK, MOYA, NOLAN, RIVERA, WEISENBERG -- 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 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 TRICLOSAN, TRICLOCARBAN OR DERIVATIVES OF SUCH ANTIBACTERIAL COMPOUNDS.

1. NO PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR CORPORATION SHALL SELL OR OFFER FOR SALE ANY CLEANING PRODUCTS CONTAINING TRICLOSAN, TRICLOCARBAN, OR DERIVATIVES OF SUCH ANTIBACTERIAL COMPOUNDS, WITHIN NEW YORK STATE, PROVIDED, HOWEVER, THAT THIS SECTION SHALL NOT PROHIBIT THE SALE OF PRODUCTS CONTAINING SUCH ANTIBACTERIAL COMPOUNDS THAT ARE USED SOLELY IN MEDICAL FACILITIES.

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 a new subdivision 7 to read as follows:

7. "CLEANING PRODUCTS" MEANS, BUT ARE NOT LIMITED TO, DISHWASHING LIQUIDS, LAUNDRY DETERGENTS, FABRIC SOFTENERS, DISINFECTANTS, SPONGES, MOP HEADS, BROOMS, GARBAGE BAGS, CLEANING AGENTS, ANTIBACTERIAL SOAPS, HAND SOAPS, BAR SOAPS, LIQUID SOAPS, HAND SANITIZERS, SKIN PURIFYING WIPES, BODY WASHES, FACIAL AND BODY CLEANSERS, SHAMPOOS, AND CONDITIONERS.

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

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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.