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

8886--B

I N A S S E M B L Y

February 27, 2014

Introduced by M. of A. KAVANAGH, WEPRIN, CRESPO -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Rules -- amended on the special order of third reading, ordered reprinted as amended, retaining its place on the special order of third reading

AN ACT to amend the environmental conservation law, in relation to banning formaldehyde in certain children's products

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 9 to read as follows:

TITLE IX

FORMALDEHYDE PROHIBITION

SECTION 37-0901. BANNING FORMALDEHYDE IN CERTAIN CHILDREN'S PRODUCTS.

S 37-0901. BANNING FORMALDEHYDE IN CERTAIN CHILDREN'S PRODUCTS.

1. DEFINITIONS. (A) "CHILDREN'S PRODUCT" MEANS A PRODUCT PRIMARILY DESIGNED, INTENDED OR MARKETED BY A MANUFACTURER TO BE PHYSICALLY APPLIED TO OR INTRODUCED INTO A CHILD'S BODY, OR USED BY A CHILD, SUCH AS BABY PRODUCTS, TOYS, CAR SEATS, PERSONAL CARE PRODUCTS, A PRODUCT DESIGNED OR INTENDED BY THE MANUFACTURER TO HELP A CHILD WITH SUCKING OR TEETHING, TO FACILITATE SLEEP, RELAXATION, OR THE FEEDING OF A CHILD, NOVELTY PRODUCTS, BEDDING, FURNITURE, FURNISHINGS, AND CHILDREN'S APPAREL. "CHILDREN'S PRODUCT" DOES NOT INCLUDE (I) BATTERIES; OR (II) CONSUMER ELECTRONIC PRODUCTS INCLUDING BUT NOT LIMITED TO PERSONAL COMPUTERS, AUDIO AND VIDEO EQUIPMENT, CALCULATORS, WIRELESS PHONES, GAME CONSOLES, AND HANDHELD DEVICES INCORPORATING A VIDEO SCREEN, USED TO ACCESS INTERACTIVE SOFTWARE AND THEIR ASSOCIATED PERIPHERALS; OR (III) A FOOD OR BEVERAGE OR AN ADDITIVE TO A FOOD OR BEVERAGE REGULATED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION; OR (IV) A PESTICIDE REGULATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; OR (V) A DRUG, BIOLOGIC OR MEDICAL DEVICE REGULATED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION.

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

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(B) "CHILD" MEANS ANY PERSON AGED TWELVE AND UNDER.

(C) "INTENTIONALLY ADDED CHEMICAL" MEANS A CHEMICAL DELIBERATELY USED IN THE FORMULATION OF A PRODUCT OR SUBPART OF A PRODUCT.

2. FORMALDEHYDE IN CHILDREN'S PRODUCTS; BAN. BEGINNING APRIL FIRST, TWO THOUSAND SIXTEEN, NO RETAILER MAY SELL OR OFFER FOR SALE IN THIS STATE A CHILDREN'S PRODUCT THAT INTENTIONALLY CONTAINS: (A) FORMALDEHYDE, INCLUDING FORMALDEHYDE CONTAINED IN A SOLUTION; OR

(B) INGREDIENTS THAT CHEMICALLY DEGRADE UNDER NORMAL CONDITIONS OF TEMPERATURE AND PRESSURE TO RELEASE FREE FORMALDEHYDE AT LEVELS EXCEEDING 0.05 PERCENT.

S 2. This act shall take effect January 1, 2015.