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

2199

2013-2014 Regular Sessions

I N S E N A T E

January 14, 2013

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to prohibiting holiday decorations containing lead

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

Section 1. The public health law is amended by adding a new section 1371-a to read as follows:

S 1371-A. WARNING LABEL ON HOLIDAY DECORATIONS CONTAINING LEAD. 1. ON EACH HOLIDAY DECORATION SOLD OR DELIVERED BY A MANUFACTURER OR DISTRIBUTOR WITHIN THIS STATE THAT:

(A) HAS PAINT OR OTHER SIMILAR SURFACE-COATING MATERIAL THEREON; OR

(B) IS MADE OF ANY PLASTIC MATERIAL, SUCH AS PVC OR POLYVINYL CHLORIDE WHICH CONTAINS MORE THAN .06 OF ONE PER CENTUM OF METALLIC LEAD BASED ON THE TOTAL WEIGHT OF THE CONTAINED SOLIDS OR DRIED PAINT FILM THERE SHALL BE PRINTED THEREON OR ATTACHED THERETO A WARNING LABEL.

2. SUCH WARNING LABEL SHALL CONTAIN THE FOLLOWING STATEMENT: "WARNING: CONTAINS LEAD. MAY BE HARMFUL. MAY GENERATE DUST CONTAINING LEAD."

3. FOR THE PURPOSES OF THIS SECTION, THE TERM "HOLIDAY DECORATIONS" SHALL INCLUDE, BUT NOT BE LIMITED TO, ARTIFICIAL CHRISTMAS TREES, PLANTS, FLOWERS OR WREATHS, HOLIDAY LIGHTS, STOCKINGS, CANDLES, FIGURINES AND BELLS.

4. ANY PERSON, FIRM, CORPORATION OR ASSOCIATION WHO VIOLATES THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS FOR EACH SUCH VIOLATION.

5. THE COMMISSIONER MAY WAIVE THE PROVISIONS OF THIS SECTION IN WHOLE OR IN PART UPON A FINDING BY THE COMMISSIONER IN A PARTICULAR INSTANCE THAT THERE IS NO SIGNIFICANT THREAT TO THE PUBLIC HEALTH.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

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

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