

6415

I N S E N A T E

January 22, 2014

Introduced by Sen. SERRANO -- 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 banning formaldehyde in certain children's products

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

1 Section 1. The public health law is amended by adding a new section  
2 2507 to read as follows:

3 S 2507. BANNING FORMALDEHYDE IN CERTAIN CHILDREN'S PRODUCTS. 1. DEFINI-  
4 TIONS. "CHILDREN'S PRODUCT" MEANS A PRODUCT PRIMARILY DESIGNED OR  
5 INTENDED BY A MANUFACTURER TO BE PHYSICALLY APPLIED TO OR INTRODUCED  
6 INTO A CHILD'S BODY, INCLUDING ANY ARTICLE USED AS A COMPONENT OF SUCH A  
7 PRODUCT AND EXCLUDING A FOOD, BEVERAGE, DIETARY SUPPLEMENT, PHARMACEU-  
8 TICAL PRODUCT OR BIOLOGIC, CHILDREN'S TOYS THAT ARE COVERED BY THE ASTM  
9 INTERNATIONAL F963 STANDARD FOR TOY SAFETY, OR A MEDICAL DEVICE AS  
10 DEFINED IN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT, 21 USC 321(H), AS  
11 AMENDED THROUGH FEBRUARY FIFTEENTH, TWO THOUSAND THIRTEEN.

12 2. FORMALDEHYDE IN CHILDREN'S PRODUCTS; BAN. (A) BEGINNING JANUARY  
13 FIRST, TWO THOUSAND FIFTEEN, NO MANUFACTURER OR WHOLESALER MAY SELL OR  
14 OFFER FOR SALE IN THIS STATE A CHILDREN'S PRODUCT THAT INTENTIONALLY  
15 CONTAINS:

16 (I) FORMALDEHYDE, INCLUDING FORMALDEHYDE CONTAINED IN A SOLUTION; OR  
17 (II) INGREDIENTS THAT CHEMICALLY DEGRADE UNDER NORMAL CONDITIONS OF  
18 TEMPERATURE AND PRESSURE TO RELEASE FORMALDEHYDE.

19 (B) BEGINNING JANUARY FIRST, TWO THOUSAND SIXTEEN, NO RETAILER MAY  
20 SELL OR OFFER FOR SALE IN THIS STATE A CHILDREN'S PRODUCT THAT INTEN-  
21 TIONALLY CONTAINS:

22 (I) FORMALDEHYDE, INCLUDING FORMALDEHYDE CONTAINED IN A SOLUTION; OR  
23 (II) INGREDIENTS THAT CHEMICALLY DEGRADE UNDER NORMAL CONDITIONS OF  
24 TEMPERATURE AND PRESSURE TO RELEASE FORMALDEHYDE.

25 3. FORMALDEHYDE REPLACEMENT CHEMICALS. A MANUFACTURER SHALL NOT  
26 REPLACE A CHEMICAL WHOSE USE IS PROHIBITED IN SUBDIVISION TWO OF THIS  
27 SECTION WITH A CHEMICAL KNOWN TO THE MANUFACTURER TO HAVE BEEN IDENTI-  
28 FIED ON THE BASIS OF CREDIBLE SCIENTIFIC EVIDENCE BY A STATE, FEDERAL,

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

LBD13324-04-4

1 OR INTERNATIONAL AGENCY AS BEING KNOWN OR SUSPECTED WITH A HIGH DEGREE  
2 OF PROBABILITY TO:

3 (A) HARM THE NORMAL DEVELOPMENT OF A FETUS OR CHILD OR CAUSE OTHER  
4 DEVELOPMENTAL TOXICITY;

5 (B) CAUSE CANCER, GENETIC DAMAGE, OR REPRODUCTIVE HARM;

6 (C) DISRUPT THE ENDOCRINE OR HORMONE SYSTEM; OR

7 (D) DAMAGE THE NERVOUS SYSTEM, IMMUNE SYSTEM, OR ORGANS, OR CAUSE  
8 OTHER SYSTEMIC TOXICITY.

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