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I N   S E N A T E

January 22, 2014

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Introduced by Sen. SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1     Section 1. Article 37 of the environmental conservation law is amended  
2     by adding a new title 9 to read as follows:

3                                 TITLE IX

4                                 FORMALDEHYDE PROHIBITION

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

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

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

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

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

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1       2. FORMALDEHYDE IN CHILDREN'S PRODUCTS; BAN. BEGINNING JANUARY FIRST,  
2 TWO THOUSAND SIXTEEN, NO RETAILER MAY SELL OR OFFER FOR SALE IN THIS  
3 STATE A CHILDREN'S PRODUCT THAT INTENTIONALLY CONTAINS: (A) FORMALDEH-  
4 YDE, INCLUDING FORMALDEHYDE CONTAINED IN A SOLUTION; OR  
5 (B) INGREDIENTS THAT CHEMICALLY DEGRADE UNDER NORMAL CONDITIONS OF  
6 TEMPERATURE AND PRESSURE TO RELEASE FORMALDEHYDE.  
7       S 2. This act shall take effect January 1, 2015.