

4932

2015-2016 Regular Sessions

I N   A S S E M B L Y

February 9, 2015

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Introduced by M. of A. SCHIMEL, ENGLEBRIGHT, JAFFEE, TITONE, COLTON --  
Multi-Sponsored by -- M. of A. COOK, GLICK, MOYA, PERRY, RIVERA --  
read once and referred to the Committee on Environmental Conservation

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:

1     Section 1. The environmental conservation law is amended by adding a  
2     new section 37-0115 to read as follows:  
3     S 37-0115. PROHIBITION OF TRICLOSAN, TRICLOCARBAN OR DERIVATIVES OF SUCH  
4     ANTIBACTERIAL COMPOUNDS.  
5     1. NO PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPA-  
6     NY OR CORPORATION SHALL SELL OR OFFER FOR SALE ANY CLEANING PRODUCTS  
7     CONTAINING TRICLOSAN, TRICLOCARBAN, OR DERIVATIVES OF SUCH ANTIBACTERIAL  
8     COMPOUNDS, WITHIN NEW YORK STATE, PROVIDED, HOWEVER, THAT THIS SECTION  
9     SHALL NOT PROHIBIT THE SALE OF PRODUCTS CONTAINING SUCH ANTIBACTERIAL  
10    COMPOUNDS THAT ARE USED SOLELY IN MEDICAL FACILITIES.  
11    2. THE DEPARTMENT IS AUTHORIZED TO PROMULGATE SUCH RULES AND REGU-  
12    LATIONS AS IT SHALL DEEM NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS  
13    SECTION.  
14    S 2. Section 37-0101 of the environmental conservation law is amended  
15    by adding a new subdivision 7 to read as follows:  
16    7. "CLEANING PRODUCTS" MEANS, BUT ARE NOT LIMITED TO, DISHWASHING  
17    LIQUIDS, LAUNDRY DETERGENTS, FABRIC SOFTENERS, DISINFECTANTS, SPONGES,  
18    MOP HEADS, BROOMS, GARBAGE BAGS, CLEANING AGENTS, ANTIBACTERIAL SOAPS,  
19    HAND SOAPS, BAR SOAPS, LIQUID SOAPS, HAND SANITIZERS, SKIN PURIFYING  
20    WIPES, BODY WASHES, FACIAL AND BODY CLEANSERS, SHAMPOOS, AND CONDITION-  
21    ERS.  
22    S 3. Section 71-3703 of the environmental conservation law is amended  
23    by adding a new subdivision 4 to read as follows:

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

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1 4. ANY PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY  
2 COMPANY, OR CORPORATION WHO VIOLATES ANY OF THE PROVISIONS OF SECTION  
3 37-0115 OR ANY RULE OR REGULATION PROMULGATED PURSUANT HERETO, SHALL BE  
4 LIABLE FOR A CIVIL PENALTY NOT TO EXCEED ONE THOUSAND DOLLARS FOR EACH  
5 DAY DURING WHICH SUCH VIOLATION CONTINUES, AND IN ADDITION THERETO, SUCH  
6 PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY, OR  
7 CORPORATION MAY BE ENJOINED FROM CONTINUING SUCH VIOLATION. SUCH  
8 PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY, OR  
9 CORPORATION SHALL FOR A SECOND VIOLATION BE LIABLE TO THE PEOPLE OF THE  
10 STATE FOR A CIVIL PENALTY NOT TO EXCEED TWO THOUSAND FIVE HUNDRED  
11 DOLLARS FOR EACH DAY DURING WHICH SUCH VIOLATION CONTINUES.

12 S 4. This act shall take effect one year and six months after it shall  
13 have become a law; provided, however, that effective immediately the  
14 addition and/or repeal of any rule or regulation necessary for the  
15 implementation of this act on its effective date are authorized and  
16 directed to be made and completed on or before one year after this act  
17 shall have become a law.