

9230--A

I N A S S E M B L Y

February 4, 2016

Introduced by M. of A. SCHIMEL -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to enacting the "triclosan awareness act", 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. This act shall be known and may be cited as the "triclosan
2 awareness act".
3 S 2. The environmental conservation law is amended by adding a new
4 section 37-0115 to read as follows:
5 S 37-0115. PROHIBITION OF TRICLOSAN, TRICLOCARBAN OR DERIVATIVES OF SUCH
6 ANTIBACTERIAL COMPOUNDS.
7 1. NO PERSON SHALL SELL OR OFFER FOR SALE ANY CLEANING PRODUCTS
8 CONTAINING TRICLOSAN, TRICLOCARBAN, OR DERIVATIVES OF SUCH ANTIBACTERIAL
9 COMPOUNDS, WITHIN NEW YORK STATE, PROVIDED, HOWEVER, THAT THIS SECTION
10 SHALL NOT PROHIBIT THE SALE OR OFFER FOR SALE OF CLEANING PRODUCTS
11 CONTAINING SUCH ANTIBACTERIAL COMPOUNDS THAT ARE USED SOLELY IN MEDICAL
12 FACILITIES AND SHALL NOT PROHIBIT THE SALE OR OFFER FOR SALE OF CLEANING
13 PRODUCTS OR INDIVIDUAL CLEANING PRODUCTS FOR WHICH SPECIFIC UNITED
14 STATES FOOD AND DRUG ADMINISTRATION APPROVAL FOR CONSUMER USE HAS BEEN
15 SECURED.
16 2. THE DEPARTMENT IS AUTHORIZED TO PROMULGATE SUCH RULES AND REGU-
17 LATIONS AS IT SHALL DEEM NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS
18 SECTION.
19 S 3. Section 37-0101 of the environmental conservation law is amended
20 by adding a new subdivision 7 to read as follows:
21 7. "CLEANING PRODUCTS" INCLUDE, BUT ARE NOT LIMITED TO, HOUSEHOLD
22 CLEANSING PRODUCTS AS DEFINED IN SECTION 35-0103 OF THIS CHAPTER, DISIN-
23 FECTANTS, SPONGES, MOP HEADS, BROOMS, GARBAGE BAGS, CLEANING AGENTS,
24 ANTIBACTERIAL SOAPS, HAND SOAPS, BAR SOAPS, LIQUID SOAPS, HAND SANITIZ-

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

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1 ERS, SKIN PURIFYING WIPES, BODY WASHES, FACIAL AND BODY CLEANSERS, SHAM-
2 POOS, AND CONDITIONERS.

3 S 4. Section 71-3703 of the environmental conservation law is amended
4 by adding a new subdivision 4 to read as follows:

5 4. ANY PERSON WHO VIOLATES ANY OF THE PROVISIONS OF OR WHO FAILS TO
6 PERFORM ANY DUTY IMPOSED BY SECTION 37-0115 OF THIS CHAPTER OR ANY RULE
7 OR REGULATION PROMULGATED PURSUANT HERETO, SHALL BE LIABLE FOR A CIVIL
8 PENALTY NOT TO EXCEED ONE THOUSAND DOLLARS FOR EACH DAY DURING WHICH
9 SUCH VIOLATION CONTINUES, AND IN ADDITION THERETO, SUCH PERSON MAY BE
10 ENJOINED FROM CONTINUING SUCH VIOLATION. SUCH PERSON SHALL FOR A SECOND
11 VIOLATION BE LIABLE TO THE PEOPLE OF THE STATE FOR A CIVIL PENALTY NOT
12 TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS FOR EACH DAY DURING WHICH
13 SUCH VIOLATION CONTINUES.

14 S 5. This act shall take effect December 31, 2018; provided, however,
15 that effective immediately the addition and/or repeal of any rule or
16 regulation necessary for the implementation of this act on its effective
17 date are authorized and directed to be made and completed on or before
18 one year after this act shall have become a law.