

4102--A

2015-2016 Regular Sessions

I N S E N A T E

February 27, 2015

Introduced by Sens. BOYLE, KLEIN, ADDABBO, AMEDORE, AVELLA, BRESLIN, CARLUCCI, COMRIE, CROCI, DIAZ, DILAN, ESPAILLAT, FELDER, FUNKE, GIANARIS, GOLDEN, HAMILTON, HASSELL-THOMPSON, HOYLMAN, KENNEDY, KRUEGER, LANZA, LATIMER, LAVALLE, MARTINS, MONTGOMERY, PANEPINTO, PARKER, PERALTA, PERKINS, RITCHIE, RIVERA, ROBACH, SANDERS, SAVINO, SERRANO, SQUADRON, STAVISKY, STEWART-COUSINS, VALESKY, VENDITTO, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to protecting consumers from toxic chemicals found in children's products

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

1 Section 1. The general business law is amended by adding a new article  
2 28-F to read as follows:

3 ARTICLE 28-F

4 CHEMICALS IN CHILDREN'S PRODUCTS ACT

5 SECTION 495-A. LEGISLATIVE DECLARATION.

6 495-B. DEFINITIONS.

7 495-C. PRIORITY CHEMICALS AND CHEMICALS OF HIGH CONCERN TO CHILDREN.  
8

9 495-D. DISCLOSURE OF INFORMATION.

10 495-E. SALES PROHIBITION.

11 495-F. APPLICABILITY.

12 495-G. ENFORCEMENT AND IMPLEMENTATION.

13 495-H. REGULATIONS.

14 495-I. PREEMPTION.

15 S 495-A. LEGISLATIVE DECLARATION. IT IS THE POLICY OF THE STATE,  
16 CONSISTENT WITH ITS DUTY TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF  
17 ITS CITIZENS, TO REDUCE EXPOSURE AMONG CHILDREN AND OTHER VULNERABLE

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

LBD09354-09-5

1 POPULATIONS TO HAZARDS POSED BY CHEMICALS. BY ENACTMENT OF THIS ARTICLE,  
2 THE LEGISLATURE CONFERS UPON THE DEPARTMENTS OF STATE AND HEALTH THE  
3 REGULATORY POWER TO COLLECT INFORMATION ON CHEMICAL USE AND PROHIBIT THE  
4 SALE OF CHILDREN'S PRODUCTS CONTAINING CERTAIN CHEMICALS.

5 S 495-B. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING  
6 TERMS SHALL HAVE THE FOLLOWING MEANINGS:

7 1. "CHILDREN'S APPAREL" MEANS ANY ITEM OF CLOTHING, FOOTWEAR OR  
8 APPAREL, INCLUDING, BUT NOT LIMITED TO, ACCESSORIES THAT CONSIST OF  
9 FABRIC OR RELATED MATERIAL INTENDED OR PROMOTED FOR USE IN CHILDREN'S  
10 CLOTHING. CHILDREN'S APPAREL DOES NOT MEAN PROTECTIVE EQUIPMENT DESIGNED  
11 TO PREVENT INJURY, INCLUDING, BUT NOT LIMITED TO, BICYCLE HELMETS,  
12 ATHLETIC SUPPORTERS, KNEE PADS OR ELBOW PADS.

13 2. "CHEMICAL" MEANS ANY ORGANIC OR INORGANIC SUBSTANCE OF A PARTICULAR  
14 MOLECULAR IDENTITY, INCLUDING: (A) ANY COMBINATION OF SUCH SUBSTANCES  
15 OCCURRING IN WHOLE OR IN PART AS A RESULT OF A CHEMICAL REACTION OR  
16 OCCURRING IN NATURE; AND (B) ANY ELEMENT OR UNCOMBINED RADICAL.

17 3. "CHEMICALS OF HIGH CONCERN TO CHILDREN" MEANS: (A) THE FOLLOWING  
18 CHEMICALS:

19 1,1,2,2-TETRACHLOROETHANE (79-34-5)  
20 1,4-DIOXANE (123-91-1)  
21 2,2',3,3',4,4',5,5',6,6'-DECABROMODIPHENYL ETHER; BDE-209 (1163-19-5)  
22 2,4-DIAMINOTOLUENE (95-80-7)  
23 2-AMINOTOLUENE (95-53-4)  
24 2-ETHYLHEXANOIC ACID (149-57-5)  
25 2-ETHYL-HEXYL-4-METHOXYCINNAMATE (5466-77-3)  
26 2-METHOXYETHANOL (109-86-4)  
27 3,3'-DIMETHYLBENZIDINE AND DYES METABOLIZED TO 3,3'-DIMETHYLBENZIDINE  
28 (119-93-7)  
29 4-NONYLPHENOL; 4-NP AND ITS ISOMER MIXTURES INCLUDING CAS 84852-15-3  
30 AND CAS 25154-52-3 (104-40-5)  
31 4-TERT-OCTYLPHENOL; 1,1,3,3-TETRAMETHYL-4-BUTYLPHENOL (140-66-9)  
32 ACETALDEHYDE (75-07-0)  
33 ACRYLONITRILE (107-13-1)  
34 ANILINE (62-53-3)  
35 ANTIMONY (7440-36-0) & ANTIMONY COMPOUNDS  
36 ARSENIC (7440-38-2) & ARSENIC COMPOUNDS INCLUDING ARSENIC TRIOXIDE  
37 (1327-53-3) & DIMETHYL ARSENIC (75-60-5)  
38 ASBESTOS (1332-21-4)  
39 BENZENE (71-43-2)  
40 BENZENE, PENTACHLORO (608-93-5)  
41 BENZOPHENONE-2 (BP-2); 2,2',4,4'-TETRAHYDROXYBENZOPHENONE (131-55-5)  
42 BISPHENOL A (80-05-7)  
43 BUTYL BENZYL PHTHALATE (BBP) (85-68-7)  
44 BUTYL PARABEN (94-26-8)  
45 BUTYLATED HYDROXYANISOLE; BHA (25013-16-5)  
46 C.I. SOLVENT YELLOW 14 (842-07-9)  
47 CADMIUM (7440-43-9) & CADMIUM COMPOUNDS  
48 CARBON DISULFIDE (75-15-0)  
49 COBALT (7440-48-4) & COBALT COMPOUNDS  
50 DI-2-ETHYLHEXYL PHTHALATE (117-81-7)  
51 DIBUTYL PHTHALATE (84-74-2)  
52 DIETHYL PHTHALATE (84-66-2)  
53 DIISODECYL PHTHALATE (DIDP) (26761-40-0)  
54 DIISONONYL PHTHALATE (DINP) (28553-12-0)  
55 DI-N-HEXYL PHTHALATE (84-75-3)  
56 DI-N-OCTYL PHTHALATE (DNOP) (117-84-0)

1 ESTRAGOLE (140-67-0)  
2 ETHYL PARABEN (120-47-8)  
3 ETHYLBENZENE (100-41-4)  
4 ETHYLENE GLYCOL (107-21-1)  
5 ETHYLENE GLYCOL MONOETHYL ESTER (110-80-5)  
6 FORMALDEHYDE (50-00-0)  
7 HEXABROMOCYCLODODECANE (25637-99-4)  
8 HEXACHLOROBENZENE (118-74-1)  
9 HEXACHLOROBUTADIENE (87-68-3)  
10 LEAD (7439-92-1)  
11 MERCURY (7439-97-6) & MERCURY COMPOUNDS INCLUDING METHYL MERCURY  
12 (22967-92-6)  
13 METHYL ETHYL KETONE (78-93-3)  
14 METHYL PARABEN (99-76-3)  
15 METHYLENE CHLORIDE (75-09-2)  
16 MOLYBDENUM (7439-98-7) & MOLYBDENUM COMPOUNDS  
17 N-METHYLPYRROLIDONE (872-50-4)  
18 N-NITROSODIMETHYLAMINE (62-75-9)  
19 N-NITROSODIPHENYLAMINE (86-30-6)  
20 OCTAMETHYLCYCLOTETRASILOXANE (556-67-2)  
21 PARA-CHLOROANILINE (106-47-8)  
22 PERCHLOROETHYLENE (127-18-4)  
23 PERFLUOROCTANYL SULPHONIC ACID AND ITS SALTS; PFOS (1763-23-1)  
24 PHENOL (108-95-2)  
25 PHENOL, 4-OCTYL- (1806-26-4)  
26 PHTHALIC ANHYDRIDE (85-44-9)  
27 P-HYDROXYBENZOIC ACID (99-96-7)  
28 PROPYL PARABEN (94-13-3)  
29 STYRENE (100-42-5)  
30 TETRABROMOBISPHENOL A (79-94-7)  
31 TOLUENE (108-88-3)  
32 TRIS(1,3-DICHLORO-2-PROPYL)PHOSPHATE (13674-87-8)  
33 TRIS(2-CHLOROETHYL) PHOSPHATE (115-96-8)  
34 VINYL CHLORIDE (75-01-4); AND  
35 (B) ALL PHTHALATES SPECIFIED AS PERMANENTLY BANNED FROM CHILDREN'S  
36 TOYS AND CHILD CARE ARTICLES PURSUANT TO SECTION 108(A) OF THE US  
37 CONSUMER PRODUCT SAFETY IMPROVEMENT ACT OF 2008.  
38 4. "CHILD OR CHILDREN" MEANS A PERSON OR PERSONS TWELVE YEARS OF AGE  
39 OR YOUNGER AND "CHILDREN" MEANS PERSONS TWELVE YEARS OF AGE OR YOUNGER.  
40 5. "CHILDREN'S PRODUCT" MEANS A PRODUCT PRIMARILY INTENDED FOR, MADE  
41 FOR, OR MARKETED FOR USE BY CHILDREN, INCLUDING BUT NOT LIMITED TO: BABY  
42 PRODUCTS; TOYS; CAR SEATS; CHILDREN'S COSMETICS; SCHOOL SUPPLIES; A  
43 PRODUCT DESIGNED OR INTENDED BY THE MANUFACTURER TO HELP A CHILD WITH  
44 SUCKING OR TEETHING, TO FACILITATE SLEEP, RELAXATION, OR THE FEEDING OF  
45 A CHILD; CHILDREN'S NOVELTY PRODUCTS; CHILDREN'S JEWELRY; CHILDREN'S  
46 BEDDING, FURNITURE, AND FURNISHINGS; AND CHILDREN'S APPAREL. THIS TERM  
47 SHALL NOT INCLUDE: (A) BATTERIES; (B) CONSUMER ELECTRONIC PRODUCTS,  
48 INCLUDING, BUT NOT LIMITED TO, PERSONAL COMPUTERS, AUDIO AND VIDEO  
49 EQUIPMENT, CALCULATORS, WIRELESS TELEPHONES, GAME CONSOLES, AND HANDHELD  
50 DEVICES INCORPORATING A VIDEO SCREEN USED TO ACCESS INTERACTIVE SOFT-  
51 WARE, AND THEIR ASSOCIATED PERIPHERALS; (C) A DRUG, SUPPLEMENT, SOAP,  
52 FOOD OR BEVERAGE OR AN ADDITIVE TO A FOOD OR BEVERAGE REGULATED BY THE  
53 UNITED STATES FOOD AND DRUG ADMINISTRATION; (D) A DRUG, BIOLOGIC, OR  
54 MEDICAL DEVICE REGULATED BY THE UNITED STATES FOOD AND DRUG ADMINIS-  
55 TRATION; OR (E) A PESTICIDE PRODUCT REGULATED BY THE UNITED STATES ENVI-

1 ENVIRONMENTAL PROTECTION AGENCY AND REGISTERED BY THE DEPARTMENT OF ENVIRON-  
2 MENTAL CONSERVATION.

3 6. "SCIENTIFIC EVIDENCE" MEANS PUBLISHED SCIENTIFIC RESEARCH AND  
4 ANALYSES OBTAINED FROM RELIABLE SOURCES, INCLUDING, BUT NOT LIMITED TO,  
5 PEER-REVIEWED SCIENTIFIC JOURNALS, AND REPORTS FROM AUTHORITATIVE PUBL-  
6 IC-HEALTH AND ENVIRONMENTAL ORGANIZATIONS.

7 7. "COMPONENT" MEANS A UNIQUELY IDENTIFIABLE OR REASONABLY SEPARATE,  
8 MATERIAL THAT IS INTENDED TO BE INCLUDED AS A PART OF A FINISHED CHIL-  
9 DREN'S PRODUCT. A SINGLE CHEMICAL IS NOT CONSIDERED A "COMPONENT" UNLESS  
10 THE ENTIRE MATERIAL IS COMPOSED OF THAT SINGLE CHEMICAL.

11 8. "CONTAMINANT" MEANS A TRACE AMOUNT OF ANY CHEMICAL INCIDENTAL TO  
12 MANUFACTURING, WHICH SERVES NO INTENDED FUNCTION IN THE FINISHED CHIL-  
13 DREN'S PRODUCT. A "CONTAMINANT" INCLUDES A CHEMICAL THAT IS: AN UNIN-  
14 TENDED BYPRODUCT OF CHEMICAL REACTIONS DURING THE MANUFACTURE OF THE  
15 CHILDREN'S PRODUCT; OTHERWISE OCCURRING IN THE ENVIRONMENT; A TRACE  
16 IMPURITY IN FEED-STOCK; A COMPONENT OF INCOMPLETELY REACTED CHEMICAL  
17 MIXTURES; AND/OR A PRODUCT OF DEGRADATION.

18 9. "COMMISSIONER" MEANS THE COMMISSIONER OF HEALTH.

19 10. "DISTRIBUTOR" MEANS A PERSON WHO SELLS CHILDREN'S PRODUCTS TO  
20 RETAIL ESTABLISHMENTS.

21 11. "INTENTIONALLY ADDED" MEANS THE DELIBERATE USE OF A CHEMICAL IN  
22 THE FORMULATION OF A PRODUCT OR COMPONENT WHERE ITS PRESENCE IS DESIRED  
23 IN THE FINAL PRODUCT OR COMPONENT TO PROVIDE A SPECIFIC CHARACTERISTIC,  
24 APPEARANCE OR QUALITY.

25 12. "MANUFACTURER" MEANS ANY PERSON WHO CURRENTLY PRODUCES A CHIL-  
26 DREN'S PRODUCT OR WHOSE BRAND NAME IS AFFIXED TO THE CHILDREN'S PRODUCT.  
27 IN THE CASE OF A CHILDREN'S PRODUCT THAT WAS IMPORTED INTO THE UNITED  
28 STATES, "MANUFACTURER" MEANS ANY PERSON WHO CURRENTLY PRODUCES A CHIL-  
29 DREN'S PRODUCT OR WHOSE BRAND NAME IS AFFIXED TO THE CHILDREN'S PRODUCT.  
30 IN THE CASE OF A CHILDREN'S PRODUCT THAT WAS IMPORTED INTO THE UNITED  
31 STATES, "MANUFACTURER" INCLUDES THE IMPORTER OR RELATED CORPORATE ENTITY  
32 THAT IS REGISTERED IN ANY STATE OR HAS NOT CONTRACTED THE SERVICES OF AN  
33 AGENT IN THE UNITED STATES.

34 13. "PRACTICAL QUANTIFICATION LIMIT" (PQL) IS THE LOWEST CONCENTRATION  
35 THAT CAN BE RELIABLY MEASURED WITHIN SPECIFIED LIMITS OF PRECISION,  
36 ACCURACY, REPRESENTATIVENESS, COMPLETENESS, AND COMPARABILITY DURING  
37 ROUTINE LABORATORY OPERATING CONDITIONS. THIS VALUE IS BASED ON SCIEN-  
38 TIFICALLY DEFENSIBLE, STANDARD ANALYTICAL METHODS. THE VALUE FOR A GIVEN  
39 CHEMICAL COULD BE DIFFERENT DEPENDING ON THE MATRIX AND THE ANALYTICAL  
40 METHOD USED. PQLS ARE TO BE ESTABLISHED BY THE DEPARTMENT OF STATE IN  
41 RELIANCE UPON FINDINGS MADE BY THE DEPARTMENT OF HEALTH AFTER REVIEW OF  
42 SCIENTIFIC EVIDENCE AND MEASUREMENTS USING STANDARD ANALYTICAL METHODS  
43 AND IN CONSIDERATION OF COMPARABLE VALUES ESTABLISHED BY OTHER AUTHORI-  
44 TATIVE BODIES, INCLUDING OTHER STATES.

45 14. "PRIORITY CHEMICAL" MEANS:

46 (A) THE FOLLOWING CHEMICALS:

47 ANTIMONY AND ANTIMONY COMPOUNDS

48 ARSENIC AND ARSENIC COMPOUNDS

49 ASBESTOS

50 BENZENE (CASRN 71-43-2)

51 CADMIUM AND CADMIUM COMPOUNDS

52 FORMALDEHYDE (CASRN 50-00-0)

53 LEAD AND LEAD COMPOUNDS

54 MERCURY AND MERCURY COMPOUNDS

55 TRIS (1, 3 DICHLORO-2-PROPYL) PHOSPHATE (TDCPP, CASRN 13674-87-8)

56 PHOSPHATE (TCEP, CASRN 115-96-8); AND

1 (B) A CHEMICAL ADOPTED BY THE DEPARTMENT, AS RECOMMENDED BY THE  
2 DEPARTMENT OF HEALTH, PURSUANT TO SECTION FOUR HUNDRED NINETY-FIVE-C OF  
3 THIS ARTICLE.

4 15. "PRODUCT CATEGORY" MEANS THE "BRICK" LEVEL OF THE GS1 GLOBAL PROD-  
5 UCT CLASSIFICATION (GPC) STANDARD, WHICH IDENTIFIES A CATEGORY INCORPO-  
6 RATING PRODUCTS (GLOBAL TRADE ITEM NUMBERS (GTINS)) THAT SERVE A COMMON  
7 PURPOSE, ARE OF A SIMILAR FORM AND MATERIAL, AND SHARE THE SAME SET OF  
8 CATEGORY ATTRIBUTES.

9 16. "RETAILER" MEANS ANY PERSON WHO SELLS OR LEASES CHILDREN'S  
10 PRODUCTS FOR-PROFIT IN THE STATE TO CONSUMERS. SUCH TERM SHALL NOT  
11 INCLUDE: (A) SOMEONE WHO PURCHASED OR ACQUIRED A PRODUCT PRIMARILY FOR  
12 PERSONAL USE AND WHO SUBSEQUENTLY RESELLS THE PRODUCT; OR (B) ANY  
13 SECONDHAND DEALER.

14 17. "SCREENING PROHIBITION LEVEL" MEANS THE CONCENTRATION OF A PRIORI-  
15 TY CHEMICAL MEASURED IN A CHILDREN'S PRODUCT COMPONENT ABOVE WHICH THE  
16 PRODUCT WILL BE SUBJECT TO THE SALES PROHIBITION REQUIREMENTS OF SECTION  
17 FOUR HUNDRED NINETY-FIVE-E OF THIS ARTICLE. WHENEVER THE FEDERAL GOVERN-  
18 MENT UNDER THE CONSUMER PRODUCT SAFETY IMPROVEMENT ACT OF 2008 (CPSIA)  
19 HAS A FINAL RULE IN EFFECT AND ENFORCEABLE WITH RESPECT TO A CHILDREN'S  
20 PRODUCT SAFETY STANDARD THAT APPLIES TO THE PRESENCE OF A SPECIFIC CHEM-  
21 ICAL IN A CHILDREN'S PRODUCT THAT PREEMPTS STATE ACTION, THE FEDERAL  
22 CONSUMER PRODUCT SAFETY STANDARD SHALL BE USED FOR THE SPECIFIC CHEMICAL  
23 AND PRODUCT, UNLESS THE STATE OBTAINS AN EXEMPTION FROM THE US CONSUMER  
24 PRODUCT SAFETY COMMISSION.

25 18. "SECRETARY" MEANS SECRETARY OF STATE.

26 S 495-C. PRIORITY CHEMICALS AND CHEMICALS OF HIGH CONCERN TO CHILDREN.

27 1. PUBLISHING OF LISTS. WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFECTIVE  
28 DATE OF THIS ARTICLE, THE DEPARTMENT OF STATE SHALL POST LISTS OF PRIOR-  
29 ITY CHEMICALS AND CHEMICALS OF HIGH CONCERN TO CHILDREN ON ITS WEBSITE.

30 2. PERIODIC REVIEW. THE DEPARTMENT OF HEALTH MAY PERIODICALLY REVIEW  
31 THE LISTS OF PRIORITY CHEMICALS AND CHEMICALS OF HIGH CONCERN TO CHIL-  
32 DREN AND, THROUGH REGULATION, ADD OR REMOVE PRIORITY CHEMICALS OR CHEMI-  
33 CALS OF HIGH CONCERN FROM SUCH LISTS IN RELIANCE UPON FINDINGS MADE BY  
34 THE DEPARTMENT OF HEALTH AFTER REVIEW OF SCIENTIFIC EVIDENCE, THAT A  
35 CHEMICAL PROPOSED FOR ADDITION TO THE LIST MEETS PARAGRAPHS (A) OR (B)  
36 OF THIS SUBDIVISION FOR CHEMICALS OF HIGH CONCERN TO CHILDREN AND ALSO  
37 PARAGRAPH (C) OF THIS SUBDIVISION FOR PRIORITY CHEMICALS.

38 (A) THE COMMISSIONER OF HEALTH HAS DETERMINED THAT AN AUTHORITATIVE  
39 GOVERNMENTAL ENTITY OR ACCREDITED RESEARCH UNIVERSITY HAS DEMONSTRATED  
40 THAT THE CHEMICAL DOES ONE OF THE FOLLOWING:

41 (I) HARMS THE NORMAL DEVELOPMENT OF A FETUS OR CHILD OR CAUSES OTHER  
42 DEVELOPMENTAL TOXICITY IN AN INTACT ORGANISM;

43 (II) IS LINKED TO CANCER, GENETIC DAMAGE, IS AN ASTHMAGEN, OR IS  
44 LINKED TO REPRODUCTIVE HARM IN AN INTACT ORGANISM;

45 (III) DISRUPTS THE ENDOCRINE SYSTEM TO CAUSE ADVERSE EFFECTS IN CHIL-  
46 DREN;

47 (IV) DAMAGES THE NERVOUS SYSTEM, IMMUNE SYSTEM, OR ORGANS OR CAUSES  
48 OTHER SYSTEMIC TOXICITY IN AN INTACT ORGANISM; OR

49 (V) IS VERY PERSISTENT AND VERY BIOACCUMULATIVE.

50 (B) THE CHEMICAL HAS BEEN FOUND TO BE PRESENT THROUGH ANY OF THE  
51 FOLLOWING:

52 (I) BIOMONITORING TO BE PRESENT IN HUMAN BLOOD, UMBILICAL CORD BLOOD,  
53 BREAST MILK, URINE, OR OTHER BODILY TISSUES OR FLUIDS;

54 (II) SAMPLING AND ANALYSIS TO BE PRESENT ABOVE IN HOUSEHOLD DUST,  
55 INDOOR AIR, DRINKING WATER, OR ELSEWHERE IN THE HOME ENVIRONMENT; OR

1 (III) MONITORING TO BE PRESENT ABOVE IN FISH, WILDLIFE, OR THE NATURAL  
2 ENVIRONMENT.

3 (C) THERE ARE LIKELY EXPOSURES TO CHEMICALS IN CHILDREN'S PRODUCTS.  
4 EVIDENCE OF LIKELY EXPOSURE MAY INCLUDE, BUT IS NOT LIMITED TO, AT LEAST  
5 TWO YEARS OF REPORTING DATA ABOUT A SPECIFIC CHEMICAL UNDER SECTION FOUR  
6 HUNDRED NINETY-FIVE-D OF THIS ARTICLE.

7 (D) A MANUFACTURER OF A PRODUCT THAT IS SUBJECT TO THE PROVISIONS OF  
8 THIS SECTION, MAY APPLY TO THE DEPARTMENT OF STATE FOR WAIVER OF THE  
9 REQUIREMENTS, UPON PROOF THAT THERE ARE NO AVAILABLE ALTERNATIVES. A  
10 MANUFACTURER OF A PRODUCT PROHIBITED TO BE SOLD OR OFFERED FOR SALE  
11 PURSUANT TO THIS TITLE SHALL NOT REPLACE A PRIORITY CHEMICAL WITH ANOTH-  
12 ER CHEMICAL THAT HAS BEEN DEEMED A HUMAN CARCINOGEN BY THE UNITED STATES  
13 ENVIRONMENTAL PROTECTION AGENCY, A DEVELOPMENTAL TOXIN, AN ENDOCRINE  
14 DISRUPTER OR A REPRODUCTIVE TOXIN.

15 S 495-D. DISCLOSURE OF INFORMATION. 1. REPORTING OF CHEMICAL OCCUR-  
16 RENCE. EVERY MANUFACTURER WHO OFFERS FOR SALE OR DISTRIBUTION IN THIS  
17 STATE A CHILDREN'S PRODUCT SHALL REPORT TO THE DEPARTMENT OF STATE IF A  
18 CHEMICAL OF HIGH CONCERN TO CHILDREN IS INTENTIONALLY ADDED TO A CHIL-  
19 DREN'S PRODUCT COMPONENT AT A LEVEL ABOVE THE PQL; OR PRESENT IN A CHIL-  
20 DREN'S PRODUCT COMPONENT PRODUCED BY THE MANUFACTURER AS A CONTAMINANT  
21 AT A CONCENTRATION ABOVE ONE HUNDRED PARTS PER MILLION.

22 (A) TO BE IN COMPLIANCE WITH THIS REQUIREMENT, SUCH REPORT SHALL BE  
23 SUBMITTED TO THE DEPARTMENT OF STATE:

24 (I) WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE; OR

25 (II) WITHIN NINETY DAYS OF THE ADDITION OF A CHEMICAL TO THE CHEMICALS  
26 OF HIGH CONCERN LIST PURSUANT TO SECTION FOUR HUNDRED NINETY-FIVE-C OF  
27 THIS ARTICLE.

28 (B) FORMAT FOR NOTICE. THE SECRETARY OF STATE SHALL SPECIFY THE FORMAT  
29 FOR SUBMISSION OF THE NOTICE REQUIRED BY THIS SECTION, PROVIDED THAT THE  
30 REQUIRED FORMAT SHALL BE CONSISTENT WITH THE FORMAT FOR SUBMISSION OF  
31 NOTICE IN OTHER STATES WITH REQUIREMENTS SUBSTANTIALLY SIMILAR TO THE  
32 REQUIREMENTS OF THIS SECTION. ANY NOTICE SUBMITTED UNDER THIS SECTION  
33 SHALL CONTAIN THE FOLLOWING INFORMATION:

34 (I) THE NAME OF THE CHEMICAL USED OR PRODUCED AND ITS CHEMICAL  
35 ABSTRACTS SERVICE REGISTRY NUMBER OR ACCESSION NUMBER;

36 (II) A DESCRIPTION OF THE CATEGORY OR CATEGORIES IN WHICH IT OCCURS  
37 CONTAINING THE CHEMICAL;

38 (III) THE AMOUNT OF THE CHEMICAL CONTAINED IN EACH UNIT OF THE PRODUCT  
39 OR PRODUCT COMPONENT, REPORTED BY WEIGHT OR PARTS PER MILLION IN RANGES  
40 AS FOLLOWS:

41 (1) EQUAL TO OR MORE THAN THE PQL BUT LESS THAN 100 PPM (0.01%);

42 (2) EQUAL TO OR MORE THAN 100 PPM (0.01%) BUT LESS THAN 500 PPM  
43 (0.05%);

44 (3) EQUAL TO OR MORE THAN 500 PPM (0.05%) BUT LESS THAN 1,000 PPM  
45 (0.10%);

46 (4) EQUAL TO OR MORE THAN 1,000 PPM (0.10%) BUT LESS THAN 5,000 PPM  
47 (0.5%); OR

48 (5) EQUAL TO OR MORE THAN 5,000 PPM (0.5%) BUT LESS THAN 10,000 PPM  
49 (1.0%); OR

50 (6) EQUAL TO OR MORE THAN 10,000 PPM (1.0%).

51 (C) THE DEPARTMENT OF STATE AND THE DEPARTMENT OF HEALTH ARE AUTHOR-  
52 IZED TO PARTICIPATE IN AN INTERSTATE CHEMICALS CLEARINGHOUSE TO ASSIST  
53 IN CARRYING OUT THE REQUIREMENTS OF THIS ARTICLE. THE DEPARTMENT OF  
54 STATE MAY ALSO ENTER INTO RECIPROCAL DATA-SHARING AGREEMENTS WITH OTHER  
55 STATES IN WHICH A MANUFACTURER OF CHILDREN'S PRODUCTS IS ALSO REQUIRED

1 TO DISCLOSE INFORMATION RELATED TO CHEMICALS OF HIGH CONCERN TO CHILDREN  
2 IN CHILDREN'S PRODUCTS.

3 2. WAIVER OF REPORTING. UPON APPLICATION BY A MANUFACTURER, THE SECRE-  
4 TARY MAY WAIVE ALL OR PART OF THE REPORTING REQUIREMENTS UNDER SUBDIVI-  
5 SION ONE OF THIS SECTION FOR ONE OR MORE SPECIFIED USES OF A PRIORITY  
6 CHEMICAL. IN MAKING SUCH DETERMINATION, THE SECRETARY MAY CONSIDER:

7 (A) WHETHER SUBSTANTIALLY EQUIVALENT INFORMATION IS ALREADY PUBLICLY  
8 AVAILABLE OR SUCH INFORMATION IS NOT NEEDED FOR THE PURPOSES OF THIS  
9 ARTICLE;

10 (B) WHETHER SIMILAR WAIVERS HAVE BEEN GRANTED BY OTHER STATES;

11 (C) WHETHER THE SPECIFIED USE OR USES ARE MINOR IN VOLUME;

12 (D) WHETHER THE MANUFACTURER EITHER INDIVIDUALLY OR JOINTLY SUBMITS  
13 THE INFORMATION REQUIRED IN A NOTICE UNDER THIS SECTION TO:

14 (I) A STATE WITH WHICH THE DEPARTMENT OF STATE HAS ENTERED A RECIPRO-  
15 CAL DATA-SHARING AGREEMENT; OR

16 (II) A TRADE ASSOCIATION, THE INTERSTATE CHEMICALS CLEARINGHOUSE, A  
17 FEDERAL GOVERNMENTAL AGENCY, OR OTHER INDEPENDENT THIRD PARTY, WHO MAKES  
18 THAT DATA AVAILABLE TO THE DEPARTMENT OF STATE ON BEHALF OF THE MANUFAC-  
19 Turer;

20 (E) WHETHER THE INFORMATION REQUIRED TO BE REPORTED IN A NOTICE UNDER  
21 THIS SECTION IS PROVIDED TO THE DEPARTMENT OF STATE IN AN ALTERNATE BUT  
22 COMPLETE FORMAT, INCLUDING REFERENCE TO INFORMATION PUBLICLY AVAILABLE  
23 IN OTHER STATES OR BY INDEPENDENT THIRD PARTIES; OR

24 (F) WHETHER THE INFORMATION REQUIRED TO BE REPORTED IN A NOTICE UNDER  
25 THIS SECTION IS AVAILABLE ON OR ACCESSIBLE FROM THE DEPARTMENT OF  
26 STATE'S WEBSITE.

27 3. NOTICE TO RETAILERS. A MANUFACTURER OF A CHILDREN'S PRODUCT  
28 CONTAINING A CHEMICAL OF HIGH CONCERN TO CHILDREN SHALL NOTIFY, IN A  
29 FORM PRESCRIBED BY THE DEPARTMENT OF STATE, RETAILERS THAT OFFER THE  
30 CHILDREN'S PRODUCT FOR SALE OR DISTRIBUTION IN THE STATE OF THE PRESENCE  
31 OF SUCH CHEMICAL OF HIGH CONCERN TO CHILDREN AND ANY OTHER INFORMATION  
32 THE DEPARTMENTS OF STATE AND HEALTH DEEM APPROPRIATE.

33 4. NOTICE TO CONSUMERS. THE DEPARTMENT OF STATE, AS DEEMED APPROPRIATE  
34 BY THE SECRETARY, SHALL NOTIFY CONSUMERS ABOUT CHILDREN'S PRODUCTS  
35 CONTAINING CHEMICALS OF HIGH CONCERN AND PRIORITY CHEMICALS. THE NOTIFI-  
36 CATION SHALL BE PUBLISHED ON THE DEPARTMENT OF STATE'S WEBSITE IN A FORM  
37 AND MANNER DETERMINED BY THE SECRETARY.

38 5. FEES. THE DEPARTMENT OF STATE MAY PROMULGATE RULES SETTING AN  
39 APPROPRIATE FEE SCHEDULE FOR MANUFACTURERS TO HELP DEFRAY THE DEPARTMENT  
40 OF STATE'S AND DEPARTMENT OF HEALTH'S PROGRAM COSTS.

41 6. CERTIFICATE OF COMPLIANCE. A MANUFACTURER REQUIRED TO SUBMIT NOTICE  
42 UNDER THIS SECTION TO THE SECRETARY OF STATE MAY RELY ON A CERTIFICATE  
43 OF COMPLIANCE, DATA, OR INFORMATION FROM SUPPLIERS FOR DETERMINING  
44 REPORTING OBLIGATIONS. A CERTIFICATE OF COMPLIANCE PROVIDED BY A SUPPLI-  
45 ER UNDER THIS SUBDIVISION SHALL BE SOLELY FOR THE PURPOSE OF COMPLIANCE  
46 WITH THE REQUIREMENTS OF THIS ARTICLE.

47 S 495-E. SALES PROHIBITION. 1. EFFECTIVE JANUARY FIRST, TWO THOUSAND  
48 EIGHTEEN, NO MANUFACTURER, DISTRIBUTOR, OR RETAILER SHALL SELL OR OFFER  
49 FOR SALE IN THIS STATE A CHILDREN'S PRODUCT CONTAINING A COMPONENT  
50 CONTAINING ANY PRIORITY CHEMICAL IDENTIFIED PURSUANT TO SECTION FOUR  
51 HUNDRED NINETY-FIVE-C OF THIS ARTICLE THAT EXCEEDS THE FOLLOWING SCREEN-  
52 ING PROHIBITION LEVELS IN TOTAL CONTENT:

53 (A) 260 PARTS PER MILLION ANTIMONY OR ANTIMONY COMPOUNDS, PROVIDED,  
54 HOWEVER, THAT THE DEPARTMENT OF HEALTH SHALL ESTABLISH THROUGH REGU-  
55 LATION AND PUBLIC COMMENT THE SCREENING PROHIBITION LEVEL FOR "CHIL-

1 DREN'S APPAREL" AS DEFINED IN SUBDIVISION ONE OF SECTION FOUR HUNDRED  
2 NINETY-FIVE-B OF THIS ARTICLE.

3 (B) 100 PARTS PER MILLION ARSENIC OR ARSENIC COMPOUNDS.

4 (C) 100 PARTS PER MILLION ASBESTOS.

5 (D) 100 PARTS PER MILLION BENZENE (CASRN 71-43-2).

6 (E) 75 PARTS PER MILLION CADMIUM OR CADMIUM COMPOUNDS.

7 (F) 20 PARTS PER MILLION FORMALDEHYDE (CASRN 50-00-0) IN TEXTILES  
8 INTENDED FOR USE BY A CHILD UNDER EIGHTEEN MONTHS, 75 PARTS PER MILLION  
9 FOR TEXTILES IN DIRECT SKIN CONTACT, 300 PARTS PER MILLION FOR TEXTILES  
10 NOT IN DIRECT SKIN CONTACT, AND 200 PARTS PER MILLION FOR ANY OTHER USE  
11 WHICH IS NOT CHEMICALLY BOUND TO ANY OTHER CHEMICAL SPECIES OR BOUND  
12 WITHIN A MATRIX. THE FOLLOWING EMISSION STANDARDS USE ASTM E-1333-96  
13 (2002): FOR HARDWOOD PLYWOOD WITH A VENEER OR COMPOSITE CORE, 0.05 PARTS  
14 PER MILLION FORMALDEHYDE; FOR MEDIUM-DENSITY FIBERBOARD, 0.11 PARTS PER  
15 MILLION FORMALDEHYDE; FOR THIN MEDIUM DENSITY FIBERBOARD, 0.13 PARTS PER  
16 MILLION FORMALDEHYDE; FOR PARTICLEBOARD, 0.09 PARTS PER MILLION FORMAL-  
17 DEHYDE.

18 (G) 100 PARTS PER MILLION LEAD OR LEAD COMPOUNDS.

19 (H) 100 PARTS PER MILLION LEAD OR LEAD COMPOUNDS.

20 (I) 100 PARTS PER MILLION MERCURY OR MERCURY COMPOUNDS.

21 (J) 100 PARTS PER MILLION TRIS (1, 3 DICHLORO-2-PROPYL) PHOSPHATE  
22 (TDCPP, CASRN 13674-87-8).

23 2. ADDITIONAL PRIORITY CHEMICALS. ONCE THE DEPARTMENT OF STATE ESTAB-  
24 LISHES ADDITIONAL PRIORITY CHEMICALS UNDER SECTION FOUR HUNDRED NINETY-  
25 FIVE-C OF THIS ARTICLE, THE DEPARTMENT OF STATE SHALL ALSO SPECIFY  
26 SCREENING PROHIBITION LEVELS FOR THOSE ADDITIONAL CHEMICALS.

27 3. SUBDIVISION ONE OF THIS SECTION SHALL NOT APPLY TO A CHILDREN'S  
28 PRODUCT SOLELY BASED ON IT CONTAINING AN ENCLOSED BATTERY OR ENCLOSED  
29 ELECTRONIC COMPONENTS. THE SECRETARY MAY EXEMPT A CHILDREN'S PRODUCT  
30 FROM THIS PROHIBITION IF, IN THE SECRETARY'S JUDGMENT, THE LACK OF  
31 AVAILABILITY OF THE CHILDREN'S PRODUCT COULD POSE AN UNREASONABLE RISK  
32 TO PUBLIC HEALTH, SAFETY, OR WELFARE.

33 4. EFFECTIVE THREE YEARS AFTER A CHEMICAL IS ADDED TO THE PRIORITY  
34 CHEMICALS LIST PURSUANT TO SECTION FOUR HUNDRED NINETY-FIVE-C OF THIS  
35 ARTICLE, NO MANUFACTURER, DISTRIBUTOR, OR RETAILER SHALL DISTRIBUTE,  
36 SELL, OR OFFER FOR SALE IN THIS STATE A CHILDREN'S PRODUCT THAT CONTAINS  
37 SUCH CHEMICAL ABOVE THE SCREENING PROHIBITION LEVEL ESTABLISHED IN  
38 SUBDIVISION ONE OF THIS SECTION.

39 5. DURING THE PERIOD BETWEEN IDENTIFICATION OF A CHEMICAL AS A PRIORI-  
40 TY CHEMICAL AND PROHIBITION, A CHILDREN'S PRODUCT CONTAINING A PRIORITY  
41 CHEMICAL ABOVE THE SCREENING PROHIBITION LEVEL ESTABLISHED IN SUBDIVI-  
42 SION ONE OF THIS SECTION MAY NOT BE SOLD, OFFERED FOR SALE OR DISTRIB-  
43 UTED FOR SALE IN THIS STATE UNLESS THE MANUFACTURER HAS PROVIDED THE  
44 NOTIFICATION REQUIRED UNDER SECTION FOUR HUNDRED NINETY-FIVE-D OF THIS  
45 ARTICLE. THE SECRETARY MAY EXEMPT A CHILDREN'S PRODUCT FROM THIS PROHI-  
46 BITION IF, IN THE SECRETARY'S JUDGMENT IN CONSULTATION WITH THE COMMIS-  
47 SIONER, THE LACK OF AVAILABILITY OF THE CHILDREN'S PRODUCT COULD POSE AN  
48 UNREASONABLE RISK TO PUBLIC HEALTH, SAFETY OR WELFARE.

49 S 495-F. APPLICABILITY. 1. NEW CHILDREN'S PRODUCTS. THE PROVISIONS OF  
50 THIS ARTICLE SHALL APPLY TO CHEMICALS IN CHILDREN'S PRODUCTS SOLD OR  
51 DISTRIBUTED AS NEW. IT SHALL NOT APPLY TO USED CHILDREN'S PRODUCTS THAT  
52 ARE SOLD OR DISTRIBUTED FOR FREE AT SECONDHAND STORES, YARD SALES, ON  
53 THE INTERNET, OR DONATED TO CHARITIES. MANUFACTURERS ARE PROHIBITED FROM  
54 DONATING, DISCOUNT SELLING, OR USING ANY OTHER MEANS AVAILABLE TO PLACE  
55 IN THE MARKETPLACE ANY CHILDREN'S PRODUCTS THAT ARE PROHIBITED FOR SALE



1 PURSUANT TO SUBDIVISIONS ONE AND TWO OF SECTION FOUR HUNDRED  
2 NINETY-FIVE-E OF THIS ARTICLE.

3 2. MANUFACTURING CONTROL. THE REQUIREMENTS OF THIS ARTICLE SHALL NOT  
4 APPLY TO A CHEMICAL THAT OCCURS IN A PRODUCT COMPONENT ONLY AS A CONTAM-  
5 INANT IF THE MANUFACTURER HAD IN PLACE A MANUFACTURING CONTROL PROGRAM  
6 AND EXERCISED DUE DILIGENCE TO MINIMIZE THE PRESENCE OF THE CONTAMINANT  
7 IN THE COMPONENT. SUCH A MANUFACTURING CONTROL PROGRAM SHALL CONSIST OF  
8 ANY OR ALL OF THE FOLLOWING: MONITORING OF THE LEVEL OF A CHCC IN RAW  
9 MATERIALS; MONITORING OF MANUFACTURING PROCESS PARAMETERS; AND/OR MONI-  
10 TORING THE LEVEL OF A CHCC IN FINISHED PRODUCTS OR COMPONENTS. UPON  
11 REQUEST OF THE DEPARTMENT A MANUFACTURER SHALL SUBMIT PARAMETERS OF SUCH  
12 A PROGRAM.

13 3. INACCESSIBLE COMPONENTS. COMPONENTS THAT DURING REASONABLY FORESEE-  
14 ABLE USE AND ABUSE OF THE PRODUCT WOULD NOT COME INTO DIRECT CONTACT  
15 WITH THE CHILD'S SKIN OR MOUTH WILL NOT BE SUBJECT TO THE REQUIREMENTS  
16 OF SECTIONS FOUR HUNDRED NINETY-FIVE-D AND FOUR HUNDRED NINETY-FIVE-E OF  
17 THIS ARTICLE, EXCEPT BY RULE, BASED ON A CASE-BY-CASE EVALUATION BY THE  
18 DEPARTMENT OF STATE.

19 4. INDUSTRY. THE REQUIREMENTS OF THIS ARTICLE SHALL NOT APPLY TO  
20 PRIORITY CHEMICALS USED IN OR FOR INDUSTRY OR MANUFACTURING, INCLUDING  
21 CHEMICALS PROCESSED OR OTHERWISE USED IN OR FOR INDUSTRIAL OR MANUFAC-  
22 TURING PROCESSES AND NOT INCLUDED IN THE FINAL PRODUCT.

23 5. TRANSPORTATION. THE REQUIREMENTS OF THIS ARTICLE SHALL NOT APPLY TO  
24 MOTOR VEHICLES OR THEIR COMPONENT PARTS, WATERCRAFT OF THEIR COMPONENT  
25 PARTS, ALL TERRAIN VEHICLES OR THEIR COMPONENT PARTS, OR OFF-HIGHWAY  
26 MOTORCYCLES OR THEIR COMPONENT PARTS, EXCEPT THAT THE USE OF PRIORITY  
27 CHEMICALS IN DETACHABLE CAR SEATS IS NOT EXEMPT.

28 6. COMBUSTION. THE REQUIREMENTS OF THIS ARTICLE SHALL NOT APPLY TO  
29 PRIORITY CHEMICALS GENERATED SOLELY AS COMBUSTION BYPRODUCTS OR THAT ARE  
30 PRESENT IN COMBUSTIBLE FUELS.

31 S 495-G. ENFORCEMENT AND IMPLEMENTATION. 1. STATEMENT OF COMPLIANCE.  
32 IF THE DEPARTMENT OF STATE SUSPECTS THAT A CHILDREN'S PRODUCT IS BEING  
33 OFFERED OR SOLD IN VIOLATION OF THIS ARTICLE, THE DEPARTMENT OF STATE  
34 MAY REQUEST THE MANUFACTURER OF THE CHILDREN'S PRODUCT TO PROVIDE WITHIN  
35 THIRTY DAYS OF RECEIPT OF A REQUEST FROM THE DEPARTMENT OF STATE, A  
36 STATEMENT OF COMPLIANCE ON A FORM PROVIDED BY THE DEPARTMENT OF STATE.  
37 THE STATEMENT OF COMPLIANCE SHALL:

38 (A) ATTEST THAT THE CHILDREN'S PRODUCT DOES NOT CONTAIN THE CHEMICAL  
39 OF HIGH CONCERN TO CHILDREN OR PRIORITY CHEMICAL; OR

40 (B) ATTEST AND PROVIDE THE DEPARTMENT OF STATE WITH DOCUMENTATION THAT  
41 NOTIFICATION OF THE PRESENCE OF A CHEMICAL OF HIGH CONCERN TO CHILDREN  
42 WAS PROVIDED TO THE DEPARTMENT PURSUANT TO SECTION FOUR HUNDRED NINETY-  
43 FIVE-D OF THIS ARTICLE; OR

44 (C) ATTEST THAT THE MANUFACTURER HAS NOTIFIED RETAILERS OF THE PRES-  
45 ENCE OF CHEMICAL OF HIGH CONCERN TO CHILDREN PURSUANT TO SUBDIVISION  
46 THREE OF SECTION FOUR HUNDRED NINETY-FIVE-D OF THIS ARTICLE.

47 2. UNAUTHORIZED SALES. THE SECRETARY MAY ISSUE AN ORDER DIRECTING THE  
48 CESSATION OF THE SALE OR DISTRIBUTION BY MANUFACTURERS, DISTRIBUTORS, OR  
49 RETAILERS OF ANY CHILDREN'S PRODUCT BEING DISTRIBUTED, SOLD, LEASED, OR  
50 OTHERWISE OFFERED FOR SALE IN THIS STATE THAT IS IN VIOLATION OF THIS  
51 ARTICLE. IN THE INSTANCE OF NON-COMPLIANCE WITH SUCH ORDER, THE DEPART-  
52 MENT OF STATE SHALL PROVIDE THE ATTORNEY GENERAL ANY INFORMATION ON THE  
53 SALE, LEASE, OR DISTRIBUTION OF PROHIBITED CHILDREN'S PRODUCTS.

54 3. ENFORCEMENT. WHERE IT IS DETERMINED, FOLLOWING A HEARING, THAT A  
55 PERSON HAS VIOLATED ONE OR MORE PROVISIONS OF THIS ARTICLE, THE SECRE-  
56 TARY MAY ASSESS A CIVIL PENALTY NO GREATER THAN FIVE THOUSAND DOLLARS

1 PER VIOLATION. UPON THE OCCASION OF A SECOND VIOLATION, OR SUBSEQUENT  
2 VIOLATIONS OF THIS ARTICLE, A CIVIL PENALTY OF NO GREATER THAN FIFTY  
3 THOUSAND DOLLARS MAY BE ASSESSED. ANY PROCEEDING CONDUCTED PURSUANT TO  
4 THIS SUBDIVISION SHALL BE SUBJECT TO THE STATE ADMINISTRATIVE PROCEDURE  
5 ACT. THE HEARING OFFICER SHALL CONSIDER WHETHER A RETAILER KNOWINGLY  
6 OFFERED SUCH ITEMS FOR SALE AS A DEFENSE TO VIOLATIONS OF THIS SECTION.

7 4. VIOLATIONS. PURSUANT TO SECTION SIXTY-THREE OF THE EXECUTIVE LAW,  
8 THE ATTORNEY GENERAL SHALL ENFORCE VIOLATIONS OF THIS ARTICLE.

9 S 495-H. REGULATIONS. THE DEPARTMENTS OF STATE AND HEALTH MAY ADOPT  
10 SUCH RULES AND REGULATIONS, AS WELL AS INFORMAL GUIDANCE CONSISTENT WITH  
11 OTHER STATES, DEEMED NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS ARTI-  
12 CLE.

13 S 495-I. PREEMPTION. NO CITY, TOWN, COUNTY, OR OTHER POLITICAL SUBDI-  
14 VISION OF THIS STATE SHALL ADOPT OR CONTINUE IN EFFECT ANY ORDINANCE,  
15 RULE, REGULATION OR STATUTE REGARDING CHEMICALS IN CHILDREN'S PRODUCTS.  
16 THIS SECTION SHALL NOT BE CONSTRUED AS AFFECTING OR LIMITING THE AUTHOR-  
17 ITY OF POLITICAL SUBDIVISIONS OF THE STATE TO EXERCISE CONTROL OVER AND  
18 ABATE PUBLIC NUISANCES, PURSUANT TO ARTICLE THIRTEEN OF THE PUBLIC  
19 HEALTH LAW AND SECTION FIVE HUNDRED FIFTY-SIX OF THE NEW YORK CITY CHAR-  
20 TER.

21 S 2. Severability. If any clause, sentence, paragraph, section or part  
22 of this act shall be adjudged by any court of competent jurisdiction to  
23 be invalid and after exhaustion of all further judicial review, the  
24 judgment shall not affect, impair or invalidate the remainder thereof,  
25 but shall be confined in its operation to the clause, sentence, para-  
26 graph, section or part of this act directly involved in the controversy  
27 in which the judgment shall have been rendered.

28 S 3. This act shall take effect April 1, 2016; provided, however, that  
29 section 495-d of the general business law as added by section one of  
30 this act shall take effect one year after it shall have become a law.