S T A T E O F N E W Y O R K

6636--A

I N S E N A T E

February 2, 2016

Introduced by Sen. MARTINS -- 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 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:

Section 1. This act shall be known and may be cited as the "triclosan awareness act".

S 2. The environmental conservation law is amended by adding a new section 37-0115 to read as follows:

S 37-0115. PROHIBITION OF TRICLOSAN, TRICLOCARBAN OR DERIVATIVES OF SUCH ANTIBACTERIAL COMPOUNDS.

1. NO PERSON SHALL SELL OR OFFER FOR SALE ANY CLEANING PRODUCTS CONTAINING TRICLOSAN, TRICLOCARBAN, OR DERIVATIVES OF SUCH ANTIBACTERIAL COMPOUNDS, WITHIN NEW YORK STATE, PROVIDED, HOWEVER, THAT THIS SECTION SHALL NOT PROHIBIT THE SALE OR OFFER FOR SALE OF CLEANING PRODUCTS CONTAINING SUCH ANTIBACTERIAL COMPOUNDS THAT ARE USED SOLELY IN MEDICAL FACILITIES AND SHALL NOT PROHIBIT THE SALE OR OFFER FOR SALE OF CLEANING PRODUCTS OR INDIVIDUAL CLEANING PRODUCTS FOR WHICH SPECIFIC UNITED STATES FOOD AND DRUG ADMINISTRATION APPROVAL FOR CONSUMER USE HAS BEEN SECURED.

2. THE DEPARTMENT IS AUTHORIZED TO PROMULGATE SUCH RULES AND REGULATIONS AS IT SHALL DEEM NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

S 3. Section 37-0101 of the environmental conservation law is amended by adding a new subdivision 7 to read as follows:

7. "CLEANING PRODUCTS" INCLUDE, BUT ARE NOT LIMITED TO, HOUSEHOLD CLEANSING PRODUCTS AS DEFINED IN SECTION 35-0103 OF THIS CHAPTER, DISINFECTANTS, SPONGES, MOP HEADS, BROOMS, GARBAGE BAGS, CLEANING AGENTS, 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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ERS, SKIN PURIFYING WIPES, BODY WASHES, FACIAL AND BODY CLEANSERS, SHAMPOOS, AND CONDITIONERS.

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

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

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