

3438

2017-2018 Regular Sessions

I N S E N A T E

January 23, 2017

Introduced by Sens. SERRANO, HOYLMAN, LATIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

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

7 1. DEFINITIONS. (A) "CHILDREN'S PRODUCT" MEANS A PRODUCT PRIMARILY
8 DESIGNED, INTENDED OR MARKETED 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 (C) "INTENTIONALLY ADDED CHEMICAL" MEANS A CHEMICAL DELIBERATELY USED
2 IN THE FORMULATION OF A PRODUCT OR SUBPART OF A PRODUCT.

3 2. FORMALDEHYDE IN CHILDREN'S PRODUCTS; BAN. BEGINNING APRIL FIRST,
4 TWO THOUSAND NINETEEN, NO RETAILER MAY SELL OR OFFER FOR SALE IN THIS
5 STATE A CHILDREN'S PRODUCT THAT INTENTIONALLY CONTAINS: (A) FORMALDEH-
6 YDE, INCLUDING FORMALDEHYDE CONTAINED IN A SOLUTION; OR

7 (B) INGREDIENTS THAT CHEMICALLY DEGRADE UNDER NORMAL CONDITIONS OF
8 TEMPERATURE AND PRESSURE TO RELEASE FREE FORMALDEHYDE AT LEVELS EXCEED-
9 ING 0.05 PERCENT.

10 § 2. This act shall take effect on the first of January next succeed-
11 ing the date upon which it shall have become a law.