STATE OF NEW YORK

4739--C

Cal. No. 179

2019-2020 Regular Sessions

IN ASSEMBLY

February 5, 2019

Introduced by M. of A. FAHY, THIELE, GOTTFRIED, L. ROSENTHAL, EPSTEIN, ORTIZ, GALEF, STIRPE, JAFFEE, DINOWITZ, MAGNARELLI, LIFTON, CARROLL, COLTON, STERN, D'URSO, MOSLEY, PAULIN, REYES, PERRY, STECK, WALLACE, GRIFFIN, ABINANTI, JONES, BUCHWALD, BARRON, QUART, SIMON, ZEBROWSKI, FERNANDEZ, PEOPLES-STOKES, DAVILA, BARRETT, McDONALD, WOERNER, RYAN, HEVESI, M. G. MILLER, SAYEGH, GLICK, LiPETRI, McMAHON, SIMOTAS, ROZIC, RODRIGUEZ, SOLAGES, WEPRIN, SANTABARBARA, GUNTHER, HUNTER, WALKER, O'DONNELL, BURKE, FRONTUS, VANEL, RIVERA, OTIS, KIM, D. ROSENTHAL, SEAWRIGHT, ENGLEBRIGHT, SCHMITT, COOK, NIOU, BARNWELL, ASHBY, JACOBSON, CRUZ, HYNDMAN, BRONSON, DE LA ROSA, LUPARDO, CUSICK -- Multi-Sponsored by -- M. of A. CROUCH, CYMBROWITZ, LENTOL, TAYLOR -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- again amended on third reading, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the environmental conservation law, in relation to the use of perfluoroalkyl and polyfluoroalkyl substances in food packaging

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 37-0203 of the environmental conservation law is amended by adding two new subdivisions 5 and 6 to read as follows:

5. "Food packaging" means a package or packaging component that is intended for direct food contact and is comprised, in substantial part, of paper, paperboard, or other materials originally derived from plant fibers.

6. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS substances" shall mean, for the purposes of food packaging, a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

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

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§ 2. Sections 37-0209, 37-0211 and 37-0213 of the environmental conservation law are renumbered sections 37-0211, 37-0213 and 37-0215.

§ 3. The environmental conservation law is amended by adding a new section 37-0209 to read as follows:

§ 37-0209. Prohibition on the use of perfluoroalkyl and polyfluoroalkyl substances in food packaging.

1. No person shall distribute, sell or offer for sale in this state food packaging containing perfluoroalkyl and polyfluoroalkyl (PFAS) substances as intentionally added chemicals.

2. For purposes of this section, "intentionally added chemical" shall have the same meaning as subdivision eleven of section 37-0901 of this article.

§ 4. This act shall take effect December 31, 2022. Effective immediately, the addition, amendment 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 such effective date.