STATE OF NEW YORK

5349

2019-2020 Regular Sessions

IN SENATE

April 26, 2019

Introduced by Sen. KAMINSKY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the environmental conservation law, in relation to regulation of toxic chemicals in children's products

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

Section 1. Section 37-0901 of the environmental conservation law, as added by a chapter of the laws of 2019, amending the environmental conservation law relating to regulation of toxic chemicals in children's products, as proposed in legislative bills numbers S. 501-B and A. 6296-A, is amended by adding a new subdivision 11 to read as follows:

11. "Trace contaminant" means a trace amount of a chemical or chemicals that is incidental to manufacturing, including an unintended by-product of chemical reactions during the manufacture of the children's product, a trace impurity in feed-stock, an incompletely reacted chemical mixture, or a degradation product.

§ 2. Subdivisions 1 and 2 of section 37-0907 of the environmental conservation law, as added by a chapter of the laws of 2019, amending the environmental conservation law relating to regulation of toxic chemicals in children's products, as proposed in legislative bills numbers S. 501-B and A. 6296-A, are amended to read as follows:

1. Effective January first, two thousand twenty-three, no person shall distribute, sell or offer for sale in this state a children's product containing tris (1, 3 dichloro-2-propyl) phosphate, benzene, formaldehyde (other than in textiles), asbestos, and organohalogen flame [~~retardents~~] **retardants**. This provision shall not apply: (a) to a children's product solely based on its containing an enclosed battery or enclosed electronic components [~~and~~]**;** (b) where state regulation of children's products is preempted by federal law**; or (c) where the chemical is present as a trace contaminant**. The commissioner may exempt a children's product from this prohibition if, in the commissioner's judgment, the

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

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lack of availability of the children's product could pose an unreasonable risk to public health, safety or welfare.

2. Effective three years after being added to the dangerous chemicals list, no person shall distribute, sell, or offer for sale in this state a children's product that contains a chemical added to the dangerous chemicals list pursuant to section 37-0903 of this title. This provision shall not apply: (a) to a children's product solely based on its containing an enclosed battery or enclosed electronic components [~~and~~]; (b) where state regulation of children's products is preempted by federal law; or (c) where the chemical is present as a trace contaminant. The commissioner may exempt a children's product from this prohibition if, in the commissioner's judgment, the lack of availability of the children's product could pose an unreasonable risk to public health, safety or welfare.

§ 3. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2019, amending the environmental conservation law relating to regulation of toxic chemicals in children's products, as proposed in legislative bills numbers S. 501-B and A. 6296-A, takes effect.