STATE OF NEW YORK

3587

2019-2020 Regular Sessions

IN ASSEMBLY

January 29, 2019

Introduced by M. of A. ENGLEBRIGHT, PEOPLES-STOKES, SEAWRIGHT, JAFFEE, RIVERA, SIMON, D'URSO, STECK, THIELE, SANTABARBARA, LAVINE, GLICK, GALEF, ZEBROWSKI, GOTTFRIED, PICHARDO, LIFTON, MOSLEY, CAHILL, WILLIAMS, OTIS, COLTON, L. ROSENTHAL, ABINANTI, HYNDMAN, WEPRIN, FAHY, CARROLL, DE LA ROSA, JONES, PAULIN, DINOWITZ, EPSTEIN, ARROYO, FERNANDEZ, LUPARDO -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to prohibiting the sale of child products containing organohalogen flame retardant

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

Section 1. Section 37-0703 of the environmental conservation law is amended by adding a new subdivision 3 to read as follows:

3. "Organohalogen flame retardant" shall include any chemical containing the element bromine or chlorine bonded to carbon that is added to a plastic, foam or textile.

§ 2. Subdivision 1 of section 37-0705 of the environmental conservation law, as added by chapter 259 of the laws of 2011, is amended to read as follows:

1. **(a)** Beginning December first, two thousand thirteen, no person, firm, partnership, association, limited liability company or corporation shall sell or offer for sale any child care product intended for use by a child three years of age or younger containing TRIS.

(b) Beginning July first, two thousand twenty-one, no person, firm, partnership, association, limited liability company or corporation shall sell or offer for sale any child care product intended for use by a child three years of age or younger containing organohalogen flame retardant.

§ 3. Section 37-0707 of the environmental conservation law, as added by chapter 259 of the laws of 2011, is amended to read as follows:

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

LBD07668-01-9

§ 37-0707. Preemption.

Jurisdiction in all matters pertaining to TRIS **and organohalogen flame retardant** which are regulated pursuant to the provisions of this title shall be vested exclusively in the state.

§ 4. This act shall take effect immediately.