STATE OF NEW YORK

3877

2019-2020 Regular Sessions

IN ASSEMBLY

January 31, 2019

Introduced by M. of A. HYNDMAN, ARROYO, RIVERA, RICHARDSON, CRESPO, GOTTFRIED, ENGLEBRIGHT, DICKENS, SIMON -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to hair relaxer labeling

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

Section 1. The general business law is amended by adding a new section 391-u to read as follows:

§ 391-u. Hair relaxer labeling. 1. For purposes of this section:

a. "Hair relaxer" shall mean any product topically applied to hair for the purpose of weakening the structure and curliness of the hair fiber and allowing for a straightening of the hair;

b. "Manufacturer" shall mean a person, firm, association, partnership or corporation who manufactures the final hair relaxer or whose brand name is affixed to the product. In the case of a product that was imported into the United States, "manufacturer" includes the importer or first domestic distributor of the product if the entity who currently manufactures or assembles the product or whose brand name is affixed to the product does not have a presence in the United States;

c. "Chemical" shall mean a substance with a distinct molecular composition or a group of structurally related substances and includes the breakdown products of the substance or substances that form through decomposition, degradation or metabolism;

d. "Carcinogen" shall mean any chemical identified as:

(i) a "Group 1 carcinogen" or "Group 2A carcinogen" by the World Health Organization or International Agency for Research on Cancer;

(ii) "known to be a human carcinogen" and "reasonably anticipated to be a human carcinogen" by the Secretary of the United States Department of Health and Human Services pursuant to the Public Health Service Act, 42 United States Code, Section 241(b)(4), as amended; and

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

LBD06261-01-9

(iii) "Group A carcinogens" or "Group B carcinogens" by the United States Environmental Protection Agency; and

e. "Reproductive toxicant" is any chemical identified as reproductive or a developmental toxicant by:

(i) the United States Department of Health and Human Services, National Toxicology Program, Center for the Evaluation of Risks to Human Reproduction; or

(ii) the California Environmental Protection Agency, Office of Environmental Health Hazard Assessment pursuant to the California Health and Safety Code, Safe Drinking Water and Toxic Enforcement Act of 1986, Chapter 6.6, Section 25249.8.

2. Any hair relaxer being offered for sale in the state of New York that contains a carcinogen or a reproductive toxicant shall provide a clear and conspicuous warning label that notifies the consumer that such hair relaxer contains such chemicals. The warning label shall state:

(i) if a product contains a carcinogen: "This product contains a chemical known to cause cancer";

(ii) if a product contains a reproductive toxicant: "This product contains a chemical known to cause birth defects or other reproductive harm"; or

(iii) if a product contains both a carcinogen and a reproductive toxicant: "This product contains chemicals known to cause cancer and birth defects or other reproductive harm".

3. The state department of health shall determine the size and font of the warning label described in subdivision two of this section.

4. Manufacturers shall be responsible for ensuring that all hair relaxers display the warning label as determined by the state department of health pursuant to subdivision three of this section.

5. Whenever there shall be a violation of this section, an application may be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction by a special proceeding to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violation; and if it shall appear to the satisfaction of the court or justice that the defendant has, in fact, violated this section, an injunction may be issued by such court or justice, enjoining and restraining any further violation, without requiring proof that any person has, in fact, been injured or damaged thereby. Whenever the court shall determine that a violation of this section has occurred, the court may impose a civil penalty of one hundred dollars per unit for the first offense, two hundred fifty dollars per unit for the second offense and five hundred dollars per unit for each subsequent offense. In connection with any such proposed application, the attorney general is authorized to take proof and make a determination of the relevant facts and to issue subpoenas in accordance with the civil practice law and rules.

§ 2. This act shall take effect eighteen months after it shall have become a law. 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 to be made on or before such date.