

# STATE OF NEW YORK

4739--B

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, ROMEO, 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 -- Multi-Sponsored by -- M. of A. CROUCH, CYMBROWITZ, DE LA ROSA, LENTOL, LUPARDO -- 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

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:

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

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

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

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

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

LBD04218-07-0

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

3 § 37-0209. Prohibition on the use of perfluoroalkyl and polyfluoroalkyl  
4 substances in food packaging.

5 No person shall sell or offer for sale, distribute for sale, or  
6 distribute for use in this state food packaging in which perfluoroalkyl  
7 and polyfluoroalkyl (PFAS) substances are intentionally or knowingly  
8 added either directly or via constituent components.

9 § 4. This act shall take effect December 31, 2021. Effective imme-  
10 diately, the addition, amendment and/or repeal of any rule or regulation  
11 necessary for the implementation of this act on its effective date are  
12 authorized and directed to be made and completed on or before such  
13 effective date.