

STATE OF NEW YORK

8955

IN ASSEMBLY

January 6, 2020

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to prohibiting household cleansing products, cosmetic products and personal care products that contain 1,4-dioxane

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

1 Section 1. Subdivision 7 of section 35-0105 of the environmental
2 conservation law, as added by a chapter of the laws of 2019 amending the
3 environmental conservation law relating to prohibiting household cleans-
4 ing products, cosmetic products and personal care products that contain
5 1,4-dioxane, as proposed in legislative bills numbers S. 4389-B and A.
6 6295-A, is amended to read as follows:

7 7. The department is authorized to promulgate such rules and regu-
8 lations as it shall deem necessary to implement the provisions of this
9 section, including rules and regulations with respect to any allowable
10 trace concentrations[~~consistent with the requirements of this~~
11 ~~section~~].

12 § 2. Section 37-0115 of the environmental conservation law, as added
13 by a chapter of the laws of 2019 amending the environmental conservation
14 law relating to prohibiting household cleansing products, cosmetic
15 products and personal care products that contain 1,4-dioxane, as
16 proposed in legislative bills numbers S. 4389-B and A. 6295-A, is
17 amended to read as follows:

18 § [~~37-0115~~] 37-0117. Prohibition of cosmetic products and personal care
19 products containing 1,4-dioxane.

20 1. The term "cosmetic product" shall mean any article (a) intended to
21 be rubbed, sprinkled, or sprayed on, introduced into, or otherwise
22 applied to the human body or any part thereof for beautifying, promoting
23 attractiveness, or altering the appearance, and (b) intended for use as
24 a component of any such article. The term "cosmetic product" shall not
25 include any personal care product as defined in this section for which a
26 prescription is required for distribution or dispensation as provided in

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

LBD10243-07-0

1 section two hundred eighty-one of the public health law or section
2 sixty-eight hundred ten of the education law.

3 2. The term "personal care product" shall mean any product intended
4 for cleaning or cleansing any part of the body, such as the skin and
5 hair, and including but not limited to, hair shampoo, hair conditioner,
6 soap, bath gels and other bath products. The term "personal care prod-
7 uct" shall not include any product for which a prescription is required
8 for distribution or dispensation as provided in section two hundred
9 eighty-one of the public health law or section sixty-eight hundred ten
10 of the education law.

11 3. No person shall sell or offer for sale any cosmetic product
12 containing 1,4-dioxane, other than such trace concentrations, [~~not to~~
13 ~~exceed~~] that exceeds ten parts per million by December thirty-first, two
14 thousand twenty-two.

15 4. No person shall sell or offer for sale any personal care product
16 containing 1,4-dioxane, other than such trace concentrations, as author-
17 ized by the commissioner, in consultation with the department of health,
18 by regulation; and further, such trace concentrations for personal care
19 products shall not exceed two parts per million by December thirty-
20 first, two thousand twenty-two and one part per million by December
21 thirty-first, two thousand twenty-three.

22 5. No later than May first, two thousand twenty-five, and every two
23 years thereafter, the department, in consultation with the department of
24 health, shall review such trace concentration thresholds and determine
25 whether such concentrations shall be lowered to better protect human
26 health and the environment.

27 6. The department is authorized to promulgate such rules and regu-
28 lations as it shall deem necessary to implement the provisions of this
29 section, including rules and regulations with respect to any allowable
30 trace concentrations[~~, consistent with the requirements of this~~
31 ~~section~~].

32 7. A manufacturer of a cosmetic product or personal care product,
33 otherwise subject to the requirements of this section, may apply to the
34 department for a one-year waiver from such requirements for a specific
35 cosmetic product or personal care product, and upon such proof that the
36 manufacturer has taken steps to reduce the presence of 1,4-dioxane in
37 that product and is unable to comply with the requirements of this
38 section. Thereafter, a manufacturer may apply for one additional one-
39 year waiver for such product, upon its satisfaction of such similar
40 proof.

41 § 3. Subdivision 4 of section 71-3703 of the environmental conserva-
42 tion law, as added by a chapter of the laws of 2019 amending the envi-
43 ronmental conservation law relating to prohibiting household cleansing
44 products, cosmetic products and personal care products that contain
45 1,4-dioxane, as proposed in legislative bills numbers S. 4389-B and A.
46 6295-A, is amended to read as follows:

47 4. Any person who violates any of the provisions of, or who fails to
48 perform any duty imposed by section [~~37-0115~~] 37-0117 or any rule or
49 regulation promulgated pursuant hereto, shall be liable for a civil
50 penalty not to exceed one thousand dollars for each day during which
51 such violation continues, and in addition thereto, such person may be
52 enjoined from continuing such violation. Such person shall for a second
53 violation be liable to the people of the state for a civil penalty not
54 to exceed two thousand five hundred dollars for each day during which
55 such violation continues.

1 § 4. This act shall take effect on the same date and in the same
2 manner as a chapter of the laws of 2019 amending the environmental
3 conservation law relating to prohibiting household cleansing products,
4 cosmetic products and personal care products that contain 1,4-dioxane,
5 as proposed in legislative bills numbers S. 4389-B and A. 6295-A, takes
6 effect.