

# STATE OF NEW YORK

3567

2019-2020 Regular Sessions

## IN SENATE

February 8, 2019

Introduced by Sens. SERRANO, HOYLMAN -- read twice and ordered printed,  
and when printed to be committed to the Committee on Environmental  
Conservation

AN ACT to amend the environmental conservation law, in relation to  
banning formaldehyde in certain children's products

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

1 Section 1. Article 37 of the environmental conservation law is amended  
2 by adding a new title 9 to read as follows:

### TITLE IX

#### FORMALDEHYDE PROHIBITION

5 Section 37-0901. Banning formaldehyde in certain children's products.

6 § 37-0901. Banning formaldehyde in certain children's products.

7 1. Definitions. (a) "Children's product" means a product primarily  
8 designed, intended or marketed by a manufacturer to be physically  
9 applied to or introduced into a child's body, or used by a child, such  
10 as baby products, toys, car seats, personal care products, a product  
11 designed or intended by the manufacturer to help a child with sucking or  
12 teething, to facilitate sleep, relaxation, or the feeding of a child,  
13 novelty products, bedding, furniture, furnishings, and children's  
14 apparel. "Children's product" does not include (i) batteries; or (ii)  
15 consumer electronic products including but not limited to personal  
16 computers, audio and video equipment, calculators, wireless phones, game  
17 consoles, and handheld devices incorporating a video screen, used to  
18 access interactive software and their associated peripherals; or (iii) a  
19 food or beverage or an additive to a food or beverage regulated by the  
20 United States Food and Drug Administration; or (iv) a pesticide regu-  
21 lated by the United States Environmental Protection Agency; or (v) a  
22 drug, biologic or medical device regulated by the United States Food and  
23 Drug Administration.

24 (b) "Child" means any person aged twelve and under.

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

LBD03471-01-9

1 (c) "Intentionally added chemical" means a chemical deliberately used  
2 in the formulation of a product or subpart of a product.

3 2. Formaldehyde in children's products; ban. Beginning April first,  
4 two thousand twenty-one, no retailer may sell or offer for sale in this  
5 state a children's product that intentionally contains: (a) formaldeh-  
6 yde, including formaldehyde contained in a solution; or

7 (b) ingredients that chemically degrade under normal conditions of  
8 temperature and pressure to release free formaldehyde at levels exceed-  
9 ing 0.05 percent.

10 § 2. This act shall take effect on the first of January next succeed-  
11 ing the date upon which it shall have become a law.