STATE OF NEW YORK

4389

2019-2020 Regular Sessions

IN SENATE

March 11, 2019

Introduced by Sen. KAMINSKY -- 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 prohibiting household cleansing products and personal cosmetic products that contain 1,4-dioxane

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

Section 1. Section 35-0105 of the environmental conservation law is amended by adding a new subdivision 4 to read as follows:

4. No household cleansing product shall be distributed, sold, offered or exposed for sale in this state which contains 1,4-dioxane other than such trace concentrations as may be authorized by the commissioner, in consultation with the department of health, by regulations.

§ 2. The environmental conservation law is amended by adding a new section 37-0115 to read as follows:

§ 37-0115. Prohibition of personal cosmetic products containing 1,4-dioxane.

1. The term "personal cosmetic product" shall mean any article (a) intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (b) intended for use as a component of any such article. The term "personal cosmetic product" shall not include any product for which a prescription is required for distribution or dispensation as provided in section two hundred eighty-one of the public health law or section six thousand eight hundred ten of the education law.

2. No person shall sell or offer for sale any personal cosmetic product containing 1,4-dioxane, other than such trace concentrations as may be authorized by the commissioner, in consultation with the department of health, by regulation.

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

LBD10243-02-9

3. The department is authorized to promulgate such rules and regulations as it shall deem necessary to implement the provisions of this section.

4. A manufacturer of a product that is subject to the provisions of this section, may apply to the department for a waiver of the requirements for a period of one year, upon proof that there are no available alternatives to 1,4-dioxane in a personal cosmetic product that is subject to the provisions of this section. After the granting of such a waiver to a manufacturer, it may thereafter apply for one additional one year waiver.

§ 3. Section 71-3703 of the environmental conservation law is amended by adding a new subdivision 4 to read as follows:

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

§ 4. This act shall take effect December 31, 2021.