STATE OF NEW YORK

6238

2021-2022 Regular Sessions

IN SENATE

April 16, 2021

Introduced by Sen. HARCKHAM -- 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 the use of chemical flame retardants

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

Section 1. Article 37 of the environmental conservation law is amended by adding a new title 11 to read as follows:

TITLE 11

CHEMICAL FLAME RETARDANTS

Section 37-1101. Definitions.

37-1103. Prohibition on the use of chemical flame retardants.

§ 37-1101. Definitions. As used in this title:

1. "Chemical flame retardants" shall mean any halogenated chemical flame retardant, including but not limited to TDCPP Tris (1, 3 Dicholoro-2-propyl) phosphate, and any Phosphorus-Bromine flame retardants.

2. "Residential upholstered furniture" shall mean a sofa, loveseat, chair, ottoman, footstool, or other item of furniture, intended for indoor use in a home that consists, in whole or in part, of leather, plastic, fabric or other material that contains cotton, wool, polyurethane or other natural or synthetic material that is placed in cushions or on the frame of the furniture.

§ 37-1103. Prohibition on the use of chemical flame retardants.

1. Beginning July first, two thousand twenty-two, no person, firm, partnership, association, limited liability company or corporation shall sell or offer for sale any residential upholstered furniture that contains chemical flame retardants intentionally-added in order to provide a specific characteristic, appearance or quality, to perform a specific function, or for any other purpose.

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

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2. The provisions of this section shall not apply to the sale or distribution of residential upholstered furniture resold or offered for resale, or distributed by consumers for consumer use.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law. Effective immediately, the commissioner of environmental conservation is authorized to promulgate any rules and regulations necessary to implement the provisions of this act on or before such effective date.