

# STATE OF NEW YORK

5990--B

Cal. No. 228

2023-2024 Regular Sessions

## IN ASSEMBLY

March 28, 2023

Introduced by M. of A. L. ROSENTHAL, GLICK, FAHY, SIMON, GALLAGHER, LEVENBERG, CRUZ, JACKSON, TAYLOR, SIMONE, BORES, DICKENS, LUNSFORD, COLTON, STECK, SHIMSKY, RAGA, DINOWITZ, STERN, JACOBSON, RAJKUMAR, THIELE, BARRETT, KIM, HEVESI, ANDERSON, GUNTHER, JEAN-PIERRE, EPSTEIN, McMAHON, SANTABARBARA, CLARK, MAMDANI, SEAWRIGHT, FORREST, CARROLL, BICHOTTE HERMELYN, SHRESTHA, CUNNINGHAM, RA, EACHUS, BURGOS, SAYEGH, OTIS, DE LOS SANTOS, WOERNER, SILLITTI, SLATER, HUNTER, NOVAKHOV, WEPRIN, VANEL, WALLACE, ZINERMAN, ZACCARO, BENEDETTO, PRETLOW, RIVERA, STIRPE, JONES, LUPARDO, MEEKS, CONRAD, McDONALD, LEE, ARDILA, BRONSON, BUTTENSCHON, PHEFFER AMATO, DAVILA, AUBRY, DILAN, MANKTELOW, GALLAHAN, GANDOLFO, RAMOS, K. BROWN, BURKE, DURSO, KELLES, ROZIC, BENDETT, REYES, JENSEN, DARLING, BURDICK, PAULIN, ALVAREZ, LAVINE -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the general business law, in relation to the restriction of certain substances in menstrual products

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

1 Section 1. Paragraph (b) of subdivision 1 of section 399-aaaa of the  
2 general business law, as added by chapter 362 of the laws of 2019, is  
3 amended and three new paragraphs (c), (d) and (e) are added to read as  
4 follows:

5 (b) "menstrual product" shall mean products used for the purpose of  
6 catching menstruation and vaginal discharge, including but not limited  
7 to tampons, pads, and menstrual cups. These products may be either  
8 disposable or reusable[-];

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

LBD04800-09-4

1 (c) "restricted substance" shall mean an unsafe chemical for inclusion  
2 in menstrual products as determined by the commissioner of health, which  
3 shall include, but not be limited to, lead, mercury and related  
4 compounds, formaldehyde, triclosan, toluene, talc, dibutyl phthalate,  
5 di(2)exylhexyl phthalate, butylphenyl methylpropional and isobutyl-,  
6 isopropyl-, butyl-, propylparaben, and perfluoroalkyl and polyfluoroal-  
7 kyl substances;

8 (d) "perfluoroalkyl and polyfluoroalkyl substances" shall mean a class  
9 of fluorinated organic chemicals containing at least one fully fluori-  
10 nated carbon atom;

11 (e) "intentionally added ingredient" shall mean any element or  
12 compound that a manufacturer has intentionally added to a menstrual  
13 product, and which has a functional or technical effect in the finished  
14 product, including, but not limited to, the components of intentionally  
15 added fragrance, flavoring and colorants, and the intentional breakdown  
16 products of an added element or compound that also has a functional or  
17 technical effect on the finished product.

18 § 2. Subdivision 4 of section 399-aaaa of the general business law is  
19 renumbered subdivision 5 and a new subdivision 4 is added to read as  
20 follows:

21 4. No menstrual products distributed, sold or offered for sale in this  
22 state, whether at retail or wholesale, for personal, professional or  
23 commercial use, or distributed for promotional purposes, shall contain:

24 (a) as of the effective date, a restricted substance present as an  
25 intentionally added ingredient at any level; or

26 (b) as of two years after thresholds are established in regulation,  
27 but no later than January first, two thousand twenty-eight, a restricted  
28 substance at or above a level that the department of environmental  
29 conservation, in consultation with the department of health, shall  
30 establish in regulation that is the lowest level that can feasibly be  
31 achieved; provided, however, that the department of environmental  
32 conservation and department of health shall review such level every five  
33 years to determine whether it should be lowered. The department shall  
34 promulgate regulations establishing these levels no later than a year  
35 after the effective date of this section.

36 § 3. This act shall take effect twelve months after it shall have  
37 become a law. Effective immediately, the addition, amendment, and/or  
38 repeal of any rule or regulation necessary for the implementation of  
39 this act on its effective date are authorized to be made and completed  
40 on or before such effective date.