STATE OF NEW YORK

5990--C

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, McDONALD, AUBRY, DILAN, MANKTELOW, GALLAHAN, GANDOLFO, RAMOS, K. BROWN, BURKE, DURSO, KELLES, ROZIC, BENDETT, REYES, JENSEN, DARLING, BURDICK, PAULIN, ALVAREZ -- 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 -- again amended on third reading, 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:

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

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

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

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

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

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

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

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

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

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

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