STATE OF NEW YORK

1340

2023-2024 Regular Sessions

IN SENATE

January 11, 2023

Introduced by Sen. BROUK -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the environmental conservation law, in relation to the sale of cosmetic products containing trace amounts of mercury

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

Section 1. Subdivision 7 of section 37-0117 of the environmental conservation law, as amended by chapter 44 of the laws of 2020, is amended to read as follows:

7. A manufacturer of a cosmetic product or personal care product, otherwise subject to the requirements **of subdivisions three and four** of this section, may apply to the department for a one-year waiver from such requirements for a specific cosmetic product or personal care product, and upon such proof that the manufacturer has taken steps to reduce the presence of 1,4-dioxane in that product and is unable to comply with the requirements **of subdivisions three and four** of this section. Thereafter, a manufacturer may apply for one additional one-year waiver for such product, upon its satisfaction of such similar proof.

§ 2. Subdivision 8 of section 37-0117 of the environmental conservation law, as added by a chapter of the laws of 2022 amending the environmental conservation law relating to prohibiting cosmetic products and personal care products that contain mercury, as proposed in legislative bills numbers S. 8291-A and A. 8630-A, is amended to read as follows:

8. No person shall sell or offer for sale any cosmetic product or personal care product containing mercury**, other than in trace amounts identified by the department, in consultation with the department of health, in regulations**. **Any such trace amounts shall be consistent with the permissible concentrations of trace amounts allowed by the food and drug administration as (a) unavoidable under conditions of good manufacturing practice, or (b) necessary for use as a preservative in the absence of an effective and safe nonmercurial preservative substitute in**

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

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cosmetic products intended for use only in the area of the eye. For the purposes of this subdivision "mercury" shall mean elemental mercury Hg, mercuric iodide, mercury oxide, mercurous chloride, ethyl mercury, phenyl mercuric salts, ammoniated mercury, amide chloride of mercury, mercury sulfide or cinnabaris, or mercury iodide.

§ 3. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2022 amending the environmental conservation law relating to prohibiting cosmetic products and personal care products that contain mercury, as proposed in legislative bills numbers S. 8291-A and A. 8630-A, takes effect.