

STATE OF NEW YORK

11721

IN ASSEMBLY

September 16, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Vanel) --
read once and referred to the Committee on Consumer Affairs and
Protection

AN ACT to amend the general business law, in relation to infant head
support labeling

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

1 Section 1. The general business law is amended by adding a new section
2 399-aaaaaaa to read as follows:

3 § 399-aaaaaaa. Infant head support labeling. 1. For the purposes of
4 this section, the following terms shall have the following meanings:

5 (a) "Infant" means a child under twelve months of age.

6 (b) "Infant head support device" means any pillow, cushion, lounger,
7 positioner, wedge, mat, insert, or similar product that is designed,
8 marketed, or intended for an infant to rest, cradle, support, or posi-
9 tion an infant's head, inserts for car seats, strollers, swings, bouncer
10 seats, or carriers. Such term shall not include:

11 (i) a cranial orthosis or other device approved by the United States
12 food and drug administration that is prescribed by a licensed health
13 care provider;

14 (ii) a component supplied by the original manufacturer of a child
15 restraint system in compliance with applicable federal motor vehicle
16 safety standards; or

17 (iii) a crib mattress, bassinet, or other infant sleep product that is
18 subject to a mandatory federal safety standard.

19 (c) "Positional skull deformity" means flattening, molding, or asymme-
20 try of an infant's skull resulting from prolonged external pressure on
21 the skull, including positional plagiocephaly and positional brachyce-
22 phaly.

23 2. Any infant head support device offered for sale in the state of New
24 York shall provide a clear and conspicuous warning on such device and
25 its retail packaging that prolonged use of such product may cause flat-
26 tening, molding, or deformation of a baby's skull and that the recipient
27 of such infant head support device should limit the time their baby

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

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1 spends resting against the product and to reposition their baby
2 frequently.

3 3. The warning required by subdivision two of this section shall be:

4 (a) permanently affixed to the device by means of a label or tag and
5 printed on the principal display panel of any retail packaging; and

6 (b) printed in a legible typeface in a type size of not less than
7 twelve-point font.

8 4. The department of health shall create a model label and may include
9 on such label a link to a website, which the department may create, that
10 instructs parents on positional skull deformity and the developmental,
11 emotional, and cranial benefits of carrying an infant.

12 5. The manufacturer shall be responsible for ensuring that all infant
13 head support devices display the warning label as required by subdivi-
14 sions two and three of this section.

15 6. Whenever there shall be a violation of this section, an application
16 may be made by the attorney general in the name of the people of the
17 state of New York to a court or justice having jurisdiction by a special
18 proceeding to issue an injunction, and upon notice to the defendant of
19 not less than five days, to enjoin and restrain the continuance of such
20 violation; and if it shall appear to the satisfaction of the court or
21 justice that the defendant has, in fact, violated this section, an
22 injunction may be issued by such court or justice, enjoining and proof
23 that any person has, in fact, been injured or damaged thereby. Whenever
24 the court shall determine that a violation of this section has occurred,
25 the court may impose a civil penalty up to two hundred fifty dollars per
26 violation for the first offense and up to five hundred dollars per
27 violation for each subsequent offense. In connection with any such
28 proposed application, the attorney general is authorized to take proof
29 and make a determination of the relevant facts and to issue subpoenas in
30 accordance with the civil practice law and rules.

31 7. Nothing in this section shall be construed to limit or alter the
32 liability or duty of any manufacturer, distributor, or seller under the
33 common law or any other provision of law, including liability for fail-
34 ure to warn. Compliance with this section shall not relieve any person
35 from liability at common law or under any other statute. The remedies
36 and penalties provided in this section are in addition to any other
37 remedies or penalties provided by law.

38 § 2. This act shall take effect on the one hundred eightieth day after
39 it shall have become a law.