STATE OF NEW YORK

2133

2025-2026 Regular Sessions

IN ASSEMBLY

January 15, 2025

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to prohibiting the sale of intravenous solution containers made with intentionally added DEHP

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 8 to read as follows:

TITLE VIII

INTRAVENOUS SOLUTION CONTAINERS

Section 37-0801. Legislative intent.
37-0803. Definitions.
37-0805. Intravenous solution container.

§ 37-0801. Legislative intent.

The legislature finds and declares all of the following:

1. Di(2-ethylhexyl) phthalate (DEHP) and other ortho-phthalates are toxic chemicals.

2. They are used primarily to produce flexibility in plastics, mainly polyvinyl chloride (PVC).

3. This includes DEHP, the most common 'plasticizer' used in medical devices, including intravenous solution containers (IV bags) and IV tubing.

4. Over the course of its shelf life, DEHP leaches out of the plastic into the solution being held in the container.

5. DEHP is classified as an endocrine-disrupting compound, meaning it can interfere with the hormonal system in humans and animals. It can mimic or block the actions of hormones, leading to adverse effects on reproductive health, development, and metabolism.

6. Studies have suggested a potential link between DEHP exposure and certain types of cancer, including breast, liver, lung, and testicular

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

LBD02500-01-5

cancer. The United States Environmental Protection Agency (EPA) has determined that DEHP is a probable human carcinogen.

7. DEHP exposure has been associated with adverse effects on reproductive organs and fertility. It can disrupt normal reproductive development, reduce sperm quality, and affect hormone levels in both males and females.

8. DEHP is metabolized in the liver and can accumulate in the body over time. Prolonged exposure to high levels of DEHP has been shown to cause liver and kidney damage in animal studies.

9. Inhalation or ingestion of DEHP can cause respiratory irritation and allergic reactions in some individuals, particularly those with preexisting respiratory conditions or sensitivities.

10. The leaching of DEHP from medical devices at varying concentrations has been linked to multidrug resistance in breast cancer cells, inhibiting the effectiveness of breast cancer drugs. This phenomenon has been observed at both high and low concentrations of DEHP, highlighting the potential impact of DEHP leaching on cancer treatment outcomes.

11. Exposure to DEHP has been linked to multidrug resistance in triple-negative breast cancer cells, inhibiting the apoptosis mechanism induced by breast cancer drugs such as tamoxifen and increasing cell proliferation. Moreover, DEHP has been suggested to serve as a mitogenic factor for estrogen receptor-positive breast cancer cells, potentially making them multidrug resistant.

§ 37-0803. Definitions.

For purposes of this title, the following terms shall have the following meanings:

1. "DEHP" means Di(2-ethylhexyl) phthalate.

2. "Intentionally added DEHP" means DEHP that a manufacturer has intentionally added to a product and that has a functional or technical effect on the product.

3. "Intravenous solution containers" means a container used to house medicine, fluid, or nutrition therapy that is intravenously administered to patients in a hospital, outpatient, or other health care facility.

4. "Intravenous tubing" means any tubing used to administer fluids, medication, or nutrients directly to an adult, child, or infant.

5. "Ortho-phthalates" means a class of chemicals that are esters of ortho-phthalic acid, including all of the following:

(a) Benzyl-butyl phthalate (BBP) 85-68-7.

(b) Dibutyl phthalate (DBP) 84-74-2.

(c) Dicyclohexyl phthalate (DCHP) 84-61-7.

(d) Di-(2-ethylhexyl) phthalate (DEHP) 117-81-7.

(e) Diethyl phthalate (DEP) 84-66-2.

(f) Di-isobutyl phthalate (DIBP) 84-69-5.

(g) Di-isodecyl phthalate (DIDP) 26761-40-0.

(h) Di-isononyl phthalate (DINP) 28553-12-0.

(i) Di-n-hexyl phthalate (DnHP) 84-75-3.

(j) Di-n-octyl phthalate (DNOP) 117-84-0.

(k) Di-n-pentyl (DnPP) phthalate 131-18-0.

(l) Diisoheptyl phthalate (DIHP) 71888-89-6.

§ 37-0805. Intravenous solution containers.

1. Beginning January first, two thousand twenty-six, no person or entity shall manufacture, sell, or distribute into commerce in New York intravenous solution containers made with intentionally added DEHP.

2. Beginning January first, two thousand thirty-one, no person or entity shall manufacture, sell, or distribute into commerce in New York intravenous tubing made with intentionally added DEHP for use in neona-

tal intensive care units, nutrition infusions, or oncology treatment infusions.

3. No person or entity shall replace DEHP, pursuant to this title, for revised or new products with other ortho-phthalates.

4. The following items, as described in title twenty-one of the code of federal regulations, are exempt from the provisions of this section:

(a) Human blood collection and storage bags; and

(b) Apheresis and cell therapy blood kits and bags, including integral tubing.

§ 2. This act shall take effect immediately.