

# 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 Assem-  
bly, do enact as follows:

1 Section 1. Article 37 of the environmental conservation law is amended  
2 by adding a new title 8 to read as follows:

### TITLE VIII

#### INTRAVENOUS SOLUTION CONTAINERS

5 Section 37-0801. Legislative intent.

6 37-0803. Definitions.

7 37-0805. Intravenous solution container.

8 § 37-0801. Legislative intent.

9 The legislature finds and declares all of the following:

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

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

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

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

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

23 6. Studies have suggested a potential link between DEHP exposure and  
24 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.

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

3 7. DEHP exposure has been associated with adverse effects on reproduc-  
4 tive organs and fertility. It can disrupt normal reproductive develop-  
5 ment, reduce sperm quality, and affect hormone levels in both males and  
6 females.

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

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

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

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

24 § 37-0803. Definitions.

25 For purposes of this title, the following terms shall have the follow-  
26 ing meanings:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49 (l) Diisooheptyl phthalate (DIHP) 71888-89-6.

50 § 37-0805. Intravenous solution containers.

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

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

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

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

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

7 (a) Human blood collection and storage bags; and

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

10 § 2. This act shall take effect immediately.