STATE OF NEW YORK

2133--B

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to prohibiting the sale of medical solution containers made with PVC, intentionally added DEHP, and establishes acceptable limits for unintentionally 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

MEDICAL SOLUTION CONTAINERS

Section 37-0801. Definitions.

37-0803. Medical solution containers.

§ 37-0801. 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 an intravenous or other specified medical solution container or medical tubing product and that has a functional or technical effect on the product.

3. "Medical solution container" means a container used to house medicine, fluid, or nutrition therapy that is administered intravenously or through the mouth, nose, stomach or intestines to patients in a hospital, outpatient, or other health care facility.

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

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4. "Medical tubing" means any tubing used to administer fluids, medication, nutrients, or oxygen directly to an adult, child, or infant, including:

(a) intravenous tubing used to administer fluids, medication or parenteral nutrition directly into the bloodstream of an adult, child or infant;

(b) medical tubing used to deliver enteral nutrition or medication to a patient's digestive system; and

(c) respiratory tubing and nasal cannulas delivering oxygen to a child or infant.

5. "Ortho-phthalates" means a class of chemicals that are esters of ortho-phthalic acid.

6. "PVC" means polyvinyl chloride, the polymerization of a vinyl chloride monomer, and is also known as poly(1-chloroethylene), or polychloroethene.

7. "Unintentionally added DEHP" means DEHP in an intravenous or specified medical solution container or medical tubing product that is not used for a functional or technical effect on the product.

§ 37-0803. Medical solution containers.

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

2. Beginning January first, two thousand thirty-three, no person or entity shall manufacture, sell, or distribute into commerce in New York medical tubing made with PVC or intentionally added DEHP.

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

4. A medical solution container or medical tubing product shall not have unintentionally added DEHP present at a quantity at or above 0.1 percent weight per weight (%w/w).

§ 2. This act shall take effect immediately.