

STATE OF NEW YORK

1430--C

2025-2026 Regular Sessions

IN ASSEMBLY

January 9, 2025

Introduced by M. of A. FORREST, RAMOS, BURDICK, DAVILA, COLTON, R. CARROLL, ZACCARO, LEVENBERG, GIBBS, KELLES, OTIS, JACKSON, SAYEGH, CLARK, SHIMSKY, TAPIA, BORES, COOK, STECK, BEEPHAN, GRIFFIN, JACOBSON, HEVESI, ROSENTHAL, RAGA, HYNDMAN, SHRESTHA, WOERNER, REYES, KASSAY, PAULIN, K. BROWN, STERN -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, 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 adhesives and bandages containing perfluoroalkyl and polyfluoroalkyl substances

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

1 Section 1. The environmental conservation law is amended by adding a
2 new section 37-0123 to read as follows:

3 § 37-0123. Prohibitions against the sale of medical adhesives and band-
4 ages containing perfluoroalkyl and polyfluoroalkyl
5 substances.

6 1. For the purposes of this section, the following terms shall have
7 the following meanings:

8 (a) "Medical adhesives and bandages" means any product intended for
9 medical purposes that consists of a strip of fabric material or plastic,
10 coated on one or more sides with an adhesive, and may include a pad of
11 surgical dressing, and is used to cover and protect wounds, hold togeth-
12 er the skin edges of a wound, support an injured part of the body, or
13 secure objects to the skin. Medical adhesives and bandages shall not
14 include any medical devices over which the United States food and drug

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

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1 administration has exclusive jurisdiction under the federal food, drug,
2 and cosmetic act, 21 U.S.C. 321 et seq.

3 (b) "Intentionally added chemical" shall have the same meaning as
4 subdivision four of section 37-0121 of this title.

5 (c) "Manufacturer" means a person, firm, association, partnership or
6 corporation:

7 (i) that produces or whose brand name is affixed to medical adhesives
8 and bandages; or

9 (ii) in the case of medical adhesives and bandages that were imported
10 into the United States, "manufacturer" means the importer or first
11 domestic distributor of such medical adhesives and bandages if no person
12 who is a manufacturer within the meaning of subparagraph (i) of this
13 paragraph has a presence in the United States.

14 (d) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS
15 substances" mean a class of fluorinated organic chemicals containing at
16 least one fully fluorinated carbon atom.

17 2. Beginning one year after the effective date of this section, no
18 person shall sell or offer for sale in this state any medical adhesives
19 and bandages containing perfluoroalkyl and polyfluoroalkyl substances:

20 (a) as intentionally added chemicals; or

21 (b) at or above a level that the department shall establish in regu-
22 lation that is the lowest level that can feasibly be achieved; provided,
23 however, that the department shall review such level every five years to
24 determine whether it should be lowered.

25 3. No person that sells or offers for sale any medical adhesives and
26 bandages shall be held in violation of this section if they can show
27 that they relied in good faith on the written assurance of the manufac-
28 turer of such product that such product met the requirements of this
29 section. Such written assurance shall take the form of a certificate of
30 compliance stating that such product is in compliance with the require-
31 ments of this section. The certificate of compliance shall be signed by
32 an authorized official of the manufacturer.

33 4. In addition to any other applicable penalties, it shall be a
34 violation of this section to provide a certificate of compliance pursu-
35 ant to subdivision three of this section when the applicable medical
36 adhesives and bandages do not satisfy the prohibitions on the presence
37 of perfluoroalkyl and polyfluoroalkyl substances set forth in subdivi-
38 sion two of this section.

39 § 2. Section 71-3703 of the environmental conservation law is amended
40 by adding a new subdivision 8 to read as follows:

41 8. Any person who violates any of the provisions of, or who fails to
42 perform any duty imposed by, section 37-0123 of this chapter or any rule
43 or regulation promulgated pursuant thereto, shall be liable for a civil
44 penalty not to exceed one thousand dollars for each day during which
45 such violation continues, and in addition thereto, such person may be
46 enjoined from continuing such violation. Such person shall for a second
47 violation be liable to the people of the state for a civil penalty not
48 to exceed two thousand five hundred dollars for each day during which
49 such violation continues.

50 § 3. This act shall take effect immediately. Effective immediately,
51 the addition, amendment and/or repeal of any rule or regulation neces-
52 sary for the implementation of this act on its effective date are
53 authorized and directed to be made and completed on or before such
54 effective date.