

STATE OF NEW YORK

4525

2025-2026 Regular Sessions

IN ASSEMBLY

February 4, 2025

Introduced by M. of A. GALLAGHER, STERN, GONZALEZ-ROJAS, JACOBSON, LEVENBERG, SIMON, SIMONE, ROSENTHAL, COLTON, REYES, SHIMSKY, RAGA, CLARK, SEAWRIGHT, FORREST, OTIS, BURDICK, MAMDANI, MEEKS -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to prohibiting the sale and distribution of anti-fogging sprays or wipes 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 anti-fogging sprays or wipes
4 containing perfluoroalkyl and polyfluoroalkyl substances.

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

7 (a) "Anti-fogging sprays or wipes" means any product, including a
8 spray, cloth, wipe or other material, that is intended to prevent
9 condensation on eyeglasses.

10 (b) "Intentionally added chemical" means a chemical in a product that
11 serves an intended function or technical effect in the product or prod-
12 uct component, including the PFAS within intentionally added chemicals
13 and PFAS that are intentional breakdown products of an added chemical
14 that also have a functional or technical effect in the product or prod-
15 uct component.

16 (c) "Manufacturer" means a person, firm, association, partnership or
17 corporation:

18 (i) that makes or whose brand name is affixed to anti-fogging sprays
19 or wipes; or

20 (ii) in the case of anti-fogging sprays or wipes that were imported
21 into the United States, "manufacturer" means the importer or first
22 domestic distributor of such anti-fogging sprays or wipes if no person

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

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1 who is a manufacturer within the meaning of subparagraph (i) of this
2 paragraph has a presence in the United States.

3 (d) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS
4 substances" means a class of fluorinated organic chemicals containing at
5 least one fully fluorinated carbon atom.

6 2. No person shall sell or offer for sale in this state anti-fogging
7 sprays or wipes containing perfluoroalkyl and polyfluoroalkyl substances
8 as intentionally added chemicals.

9 3. No person that sells or offers for sale any anti-fogging sprays or
10 wipes shall be held in violation of this title if they can show that
11 they relied in good faith on the written assurance of the manufacturer
12 of such product that such product met the requirements of this section.
13 Such written assurance shall take the form of a certificate of compli-
14 ance stating that such product is in compliance with the requirements
15 of this section. The certificate of compliance shall be signed by an
16 authorized official of the manufacturer.

17 4. In addition to any other applicable penalties, it shall be a
18 violation of this section to provide a certificate of compliance as
19 contemplated by subdivision three of this section when the applicable
20 anti-fogging sprays or wipes do not satisfy the prohibitions on the
21 presence of perfluoroalkyl and polyfluoroalkyl substances set forth in
22 subdivision two of this section.

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

25 8. Any person who violates any of the provisions of, or who fails to
26 perform any duty imposed by section 37-0123 of this chapter or any rule
27 or regulation promulgated pursuant thereto, shall be liable for a civil
28 penalty not to exceed one thousand dollars for each day during which
29 such violation continues, and in addition thereto, such person may be
30 enjoined from continuing such violation. Such person shall for a second
31 violation be liable to the people of the state for a civil penalty not
32 to exceed two thousand five hundred dollars for each day during which
33 such violation continues.

34 § 3. This act shall take effect December 31, 2026. Effective imme-
35 diately, the addition, amendment and/or repeal of any rule or regulation
36 necessary for the implementation of this act on its effective date are
37 authorized and directed to be made and completed on or before such
38 effective date.