

STATE OF NEW YORK

3556

2025-2026 Regular Sessions

IN SENATE

January 28, 2025

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to prohibiting the sale of infant loungers and restricting the use of such infant loungers in certain settings

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

1 Section 1. The general business law is amended by adding a new section
2 399-iii to read as follows:

3 § 399-iii. Prohibit the sale of infant loungers and restrict use of
4 such infant loungers in certain settings. 1. For the purposes of this
5 section: (a) "Infant lounger" shall mean a padded pillow or cushioned
6 product, sometimes with a lower indented region, used to support or hug
7 an infant as it lies face up, primarily intended and marketed for the
8 support of an infant while awake.

9 (b) "Distributor" shall mean any person who delivers to a person other
10 than the purchaser, for the purpose of retail sale.

11 (c) "Manufacturer" shall mean any person who makes and places into the
12 stream of commerce an infant lounger as defined by this section.

13 (d) "Retailer" shall have the same meaning as set forth in subdivision
14 eleven of section four hundred ninety-a of this chapter.

15 (e) "Secondhand dealer" shall have the same meaning as set forth in
16 subdivision six of section four hundred ninety-a of this chapter.

17 (f) "Child care facility" shall mean any child day care provider as
18 defined in section three hundred ninety of the social services law or
19 child care program as defined in article forty-seven of the New York
20 city health code as authorized by section five hundred fifty-eight of
21 the New York city charter.

22 (g) "Person" shall mean a natural person, firm, corporation, limited
23 liability company, association, or an employee or agent of a natural
24 person or an entity included in this definition.

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

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1 2. No manufacturer, importer, distributor, wholesaler, retailer or
2 secondhand dealer shall sell, lease, offer for sale, or offer for lease
3 in this state any infant lounger.

4 3. (a) On or after the effective date of this section, no child care
5 facility shall use or have on the premises any infant lounger unless a
6 medical professional has determined that use of an infant lounger is
7 medically necessary for a particular child in such child care facility.

8 (b) The office of children and family services, in consultation with
9 the city of New York department of health and mental hygiene, shall
10 notify child care facilities of the provisions of this subdivision in
11 plain, non-technical language. Such notice shall be given to every child
12 care facility upon the effective date of this section or as soon as
13 practicable thereafter, and such notice shall also be given to each
14 applicant for license or registration pursuant to section three hundred
15 ninety of the social services law.

16 (c) The office of children and family services shall promulgate rules
17 and regulations to carry out the provisions of this subdivision, with
18 respect to the ban on infant loungers in child care facilities.

19 4. Whenever there shall be a violation of subdivision two of this
20 section an application may be made by the attorney general in the name
21 of the people of the state of New York to a court or justice having
22 jurisdiction by a special proceeding to issue an injunction, and upon
23 notice to the defendant of not less than five days, to enjoin and
24 restrain the continuance of such violations; and if it shall appear to
25 the satisfaction of the court or justice that the defendant has, in
26 fact, violated this section, an injunction may be issued by the court or
27 justice, enjoining and restraining any further violations, without
28 requiring proof that any person has, in fact, been injured or damaged
29 thereby. In any such proceeding, the court may make allowances to the
30 attorney general as provided in paragraph six of subdivision (a) of
31 section eighty-three hundred three of the civil practice law and rules,
32 and direct restitution. Whenever the court shall determine that a
33 violation of subdivision two of this section has occurred, the court may
34 impose a civil penalty of not more than five hundred dollars for each
35 violation. Each sale of an infant lounger in violation of this section
36 shall constitute a separate violation. In connection with any such
37 proposed application, the attorney general is authorized to take proof
38 and make a determination of the relevant facts and to issue subpoenas in
39 accordance with the civil practice law and rules.

40 5. If any provision of this section or the application thereof to any
41 person or circumstance is held unconstitutional, such invalidity shall
42 not affect other provisions or applications of this section which can be
43 given effect without the invalid provision or application, and to this
44 end the provisions of this section are severable.

45 § 2. This act shall take effect on the sixtieth day after it shall
46 have become a law.