STATE OF NEW YORK

7839--A

2025-2026 Regular Sessions

IN SENATE

May 9, 2025

Introduced by Sens. HINCHEY, CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- 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:

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

§ 37-0123. Prohibitions against the sale of medical adhesives and bandages containing perfluoroalkyl and polyfluoroalkyl substances.

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

(a) "Medical adhesives and bandages" means any product intended for medical purposes that consists of a strip of fabric material or plastic, coated on one or more sides with an adhesive, and may include a pad of surgical dressing, and is used to cover and protect wounds, hold together the skin edges of a wound, support an injured part of the body, or secure objects to the skin. Medical adhesives and bandages shall not include any medical devices over which the United States food and drug administration has exclusive jurisdiction under the federal food, drug, and cosmetic act, 21 U.S.C. 321 et seq.

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

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

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

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

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

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

2. After December thirty-first, two thousand twenty-six, no person shall sell or offer for sale in this state any medical adhesives and bandages containing perfluoroalkyl and polyfluoroalkyl substances:

(a) as intentionally added chemicals; or

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

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

4. In addition to any other applicable penalties, it shall be a violation of this section to provide a certificate of compliance pursuant to subdivision three of this section when the applicable medical adhesives and bandages do not satisfy the prohibitions on the presence of perfluoroalkyl and polyfluoroalkyl substances set forth in subdivision two of this section.

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

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

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