

STATE OF NEW YORK

9268

IN SENATE

February 20, 2026

Introduced by Sen. FAHY -- read twice and ordered printed, and when printed to be committed 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 37-0125 to read as follows:

3 § 37-0125. 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" shall have the same meaning as
11 subdivision four of section 37-0121 of this title.

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

14 (i) that produces or whose brand name is affixed to anti-fogging
15 sprays or wipes; or

16 (ii) in the case of anti-fogging sprays or wipes that were imported
17 into the United States, "manufacturer" means the importer or first
18 domestic distributor of such anti-fogging sprays or wipes if no person
19 who is a manufacturer within the meaning of subparagraph (i) of this
20 paragraph has a presence in the United States.

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

24 2. After December thirty-first, two thousand twenty-six, no person
25 shall sell or offer for sale in this state anti-fogging sprays or wipes
26 containing perfluoroalkyl and polyfluoroalkyl substances as inten-
27 tionally added chemicals or that contain perfluoroalkyl and polyfluoro-

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

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1 alkyl substances at or above a level that the department shall establish
2 in regulation.

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

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

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

19 8. Any person who violates any of the provisions of, or who fails to
20 perform any duty imposed by section 37-0125 of this chapter or any rule
21 or regulation promulgated pursuant thereto, shall be liable for a civil
22 penalty not to exceed one thousand dollars for each day during which
23 such violation continues, and in addition thereto, such person may be
24 enjoined from continuing such violation. Such person shall for a second
25 violation be liable to the people of the state for a civil penalty not
26 to exceed two thousand five hundred dollars for each day during which
27 such violation continues.

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