

# STATE OF NEW YORK

9268--A

Cal. No. 650

## 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 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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.

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

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1 2. No person shall sell or offer for sale in this state anti-fogging  
2 sprays or wipes containing perfluoroalkyl and polyfluoroalkyl substances  
3 as intentionally added chemicals or that contain perfluoroalkyl and  
4 polyfluoroalkyl substances at or above a level that the department shall  
5 establish in regulation.

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

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

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

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

31 § 3. This act shall take effect on the one hundred eightieth day  
32 after it shall have become a law. Effective immediately, the addition,  
33 amendment and/or repeal of any rule or regulation necessary for the  
34 implementation of this act on its effective date are authorized and  
35 directed to be made and completed on or before such effective date.