



Legislation Text

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Proposed Int. No. 803-A

By The Speaker (Council Member Mark-Viverito) and Council Members Richards, Chin, Constantinides, Gentile, Koo, Levin, Levine, Johnson, Rosenthal, Vallone, Vacca, Williams, Garodnick, Gibson, Cumbo, Dromm, Reynoso, Rose, Rodriguez, Maisel, Koslowitz, Deutsch, Crowley, Lander, Van Bramer, Miller, Kallos, Torres, Menchaca, Palma, Lancman, Ferreras-Copeland, Cohen, Barron and Treyger

A Local Law to amend the administrative code of the city of New York, in relation to the sale of children's products containing certain chemicals

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 13 to read as follows:

SUBCHAPTER 13
Children's Products

§ 20-699.7 Children's Products. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Children's product. The term "children's product" means a product designed or intended for children 12 years of age or younger. "Children's product" does not include toys; batteries; consumer electronic products or components; paper products; or food, beverages, additives to a food or beverage, drugs, biologic or medical devices regulated by the United States food and drug administration.

Person. The term "person" means any individual, public or private corporation, industry, co-partnership, association, firm, trust, estate or any other legal entity whatsoever.

Toy. The term "toy" means any object designed, manufactured, or marketed as a plaything for children under 14 years of age or younger.

b. Sales prohibitions. 1. No person shall knowingly distribute, sell or offer for sale a children's product

containing total content by weight of: (i) antimony over 40 parts per million; (ii) arsenic over 40 parts per million; (iii) cadmium over 75 parts per million; (vi) cobalt over 40 parts per million; (vii) lead over 100 parts per million total lead content by weight in any accessible part; (viii) lead over 90 parts per million total lead content by weight in paint or any similar surface coating; or (ix) mercury over 40 parts per million.

2. No person shall knowingly distribute, sell or offer for sale a toy that does not meet the safety standards set forth in section 2056b of title 15 of the United States code, or any successor section, and any regulations promulgated pursuant to such section.

c. Applicability. The provisions of this section shall apply to chemicals in children's products sold or distributed as new and do not apply to used children's products that are sold or distributed for free at secondhand stores, yard sales, on the internet, or donated to charities.

d. Penalties. Any person who violates the provisions of this section or rules promulgated thereunder shall be subject to a civil penalty of not less than \$250 nor more than \$500 for the first violation and for each subsequent violation a civil penalty of not less than \$750 nor more than \$1,000.

§ 2. If any subsection, sentence, clause, phrase, or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of the local law that added this subchapter, which remaining portions shall remain in full force and effect.

§ 3. This local law takes effect 180 days after its enactment.

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