



Legislation Text

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Int. No. 867-A

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A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of menstrual and intimate care products that contain unsafe ingredients

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 16 to read as follows:

SUBCHAPTER 16

MENSTRUAL AND INTIMATE CARE PRODUCTS

§ 20-699.30 Sale of menstrual and intimate care products. a. Definitions. For purposes of this section, the following terms have the followings meanings:

Fragrance. The term “fragrance” means any natural or synthetic substance or substances used solely to impart an odor to a product.

Intentionally added ingredient. The term “intentionally added ingredient” means any substance that a manufacturer has intentionally added to a product, and which has a functional or technical effect in the finished product, including, but not limited to, the components of intentionally added fragrance, flavoring, and colorants, and the intentional breakdown products of an added substance that also has a functional or technical effect on the finished product.

Intimate care product. The term “intimate care product” means the following products when such

products are used in connection with sexual health: a douche, wipe, spray, powder, wash, suppository, or lubricant.

Menstrual product. The term “menstrual product” means a class I or class II medical device, as described by subparagraphs a and b of paragraph 1 of subsection a of section 360c of title 21 of the United States code, where such class I or class II medical device is used in connection with menstrual health. A menstrual product includes, but is not limited to, a tampon, menstrual pad, or menstrual cup.

Perfluoroalkyl and polyfluoroalkyl substances. The term “perfluoroalkyl and polyfluoroalkyl substances” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

Restricted substance. The term “restricted substance” means a chemical for inclusion in a menstrual product or intimate care product that the commissioner of health and mental hygiene designates a restricted substance pursuant to this section, including lead, mercury and related compounds, formaldehyde, triclosan, toluene, talc, dibutyl phthalate, di(2)exylhexyl phthalate, butylphenyl methylpropional, and isobutyl-, isopropylparaben, butylparaben, propylparaben, perfluoroalkyl and polyfluoroalkyl substances, and fragrance.

b. Designation of restricted substance. The commissioner of health and mental hygiene shall adopt by rule the intentionally added ingredients that shall constitute restricted substances for purposes of this section.

c. Threshold level of restricted substance. 1. No later than 90 days after the New York state commissioner of health promulgates a regulation pursuant to state law establishing the lowest level that can feasibly be achieved of restricted substances in menstrual products, the commissioner of health and mental hygiene shall by rule adopt such levels as the lowest level that can feasibly be achieved of restricted substances in menstrual products or intimate care products for the purposes of this section. The commissioner of health and mental hygiene shall review and update such rule at least every 5 years in accordance with any updates to such regulations of the New York state department of health.

2. The department of health and mental hygiene shall maintain on its website a list of products that

contain a restricted substance at or above the threshold levels determined in paragraph 1 of this subdivision.

d. Prohibitions. 1. No person shall sell, offer for sale, or distribute any menstrual product or intimate care product that includes an intentionally added ingredient that is a restricted substance designated pursuant to subdivision b of this section.

2. Two years after the commissioner of health and mental hygiene adopts the threshold levels of restricted substances pursuant to subdivision c of this section, no person shall sell, offer for sale, or distribute any menstrual product or intimate care product that contains a restricted substance at or above such threshold level.

e. Penalty. Any person who violates subdivision d of this section is liable for a civil penalty not to exceed \$250 for each violation. Each failure to comply with subdivision d of this section with respect to any one stock keeping unit offered for sale, sold, or distributed constitutes a separate violation. Each failure to comply with subdivision d of this section with respect to any individual business to which any one stock keeping unit is offered for sale, sold, or distributed constitutes a separate violation.

§ 2. This local law takes effect 1 year after it becomes law.

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