1 municipality within whose boundary any such wetland or portion thereof
2 is located. The commissioner shall also cause a copy of such order to be
3 published in at least two newspapers having a general circulation in the
4 area where such wetlands are located.
5 § 3. This act shall take effect immediately.

6 PART K

7 Section 1. Legislative intent. The legislature hereby finds that
8 consumers in the state do not have ready access to information about the
9 products they may use and the product ingredients they may be exposed to
10 every day. While the state has taken steps to ban certain product ingre-
11 dients known to be harmful to human health and the environment, more
12 must be done to give consumers real time access to product ingredient
13 information so consumers can make informed decisions about which
14 products to buy and use. Specifically, consumers should have the right
15 to know if a product contains a carcinogen, mutagen or endocrine disrup-
16 tors and other chemicals of concern, the state, as trustee of its
17 natural resources should have the means to identify substances which may
18 be discharged to the environment.
19 § 2. Subdivision 1 of section 35-0103 of the environmental conserva-
20 tion law is amended to read as follows:
21 1. "[Household cleansing] <u>Cleansing</u> product" means any product,
22 including but not limited to soaps and detergents, containing a surfac-
23 tant as a wetting or dirt emulsifying agent and used primarily for
24 domestic [or]<u>,</u> commercial<u>, or industrial</u> cleaning purposes, including
25 but not limited to, the cleansing of fabrics, dishes, food utensils and
26 household and commercial premises. [Household cleansing] <u>Cleansing</u> prod-

1 uct shall not mean foods, drugs, cosmetics, insecticides, fungicides and
2 rodenticides or cleansing products used primarily in industrial manufac-
3 turing, production and assembling processes as provided by the commis-
4 sioner by rule and regulation.
5 § 3. Section 35-0107 of the environmental conservation law is amended
6 to read as follows:
7 § 35-0107. Powers and duties of commissioner.
8 1. The commissioner is hereby authorized to promulgate regulations
9 requiring manufacturers of [household] cleansing products distributed,
10 sold or offered for sale in this state, to furnish to the commissioner
11 for the public record as herein provided information regarding such
12 products in a form prescribed by the commissioner including the nature
13 and extent of investigations and research performed by the manufacturer
14 concerning the effects of such products on human health and the environ-
15 ment. These reports shall be available to the public at the department
16 of environmental conservation, except those portions the manufacturer
17 determines, subject to the approval of the commissioner, would be, if
18 disclosed, seriously prejudicial to the manufacturer's legitimate inter-
19 est in trade secrets and economics of operation.
20 2. [No later than February 1, 1973 the commissioner shall prepare and
21 submit a comprehensive report to the governor and legislature on the
22 status of progress made in research and development to provide a safe
23 and effective substitute for phosphates in household cleansing products.
24 3.] Whenever the commissioner finds, after investigation, that any
25 ingredient of [household] cleansing products distributed, sold, offered
26 or exposed for sale in this state, other than an ingredient for which
27 limitations are set forth in subdivision 2 of section 35-0105, will or
28 is likely to materially affect adversely human health or the environ-

1 ment, he may, after public hearing, restrict or limit by regulation the
2 use of such ingredient in such products.
3 § 4. Article 37 of the environmental conservation law is amended by
4 adding a new title 9 to read as follows:
5 TITLE 9
6 CONSUMER PRODUCT DISCLOSURE
7 Section 37-0901. Short title.
8 37-0903. Definitions.
9 37-0905. Product labeling.
10 37-0907. Chemical disclosure.
11 37-0909. Public education.
12 37-0911. Rules and regulations.
13 37-0913. Enforcement.
14 37-0915. Severability.
15 § 37-0901. Short title.
16 This title shall be known and may be cited as the "consumer chemical
17 awareness act".
18 § 37-0903. Definitions.
19 As used in this title, the following terms shall mean:
20 1. "Consumer product" means any product sold or offered in the state,
21 including but not limited to (a) cleansing products as defined by
22 section 35-0103 of this chapter; (b) any product intended for use, or
23 that may be reasonably expected to be used, by children; (c) any other
24 such product that could, through normal use, expose the user to any
25 carcinogen, mutagen, endocrine disruptor or other chemicals of concern
26 identified by the department.
27 2. "Manufacturer" means any person, firm, association, partnership,
28 limited liability company, corporation, governmental entity, organiza-

1 tion, combination or joint venture which is the last entity to produce
2 or assemble a consumer product or, in the case of an imported consumer
3 product, the importer or domestic distributor of such product.
4 3. "Retailer" means any person, firm, association, partnership, limit-
5 ed liability company, corporation, governmental entity, organization,
6 combination or joint venture which sells or otherwise distributes
7 consumer products to consumers or to any other person for any other
8 purpose other than resale.
9 § 37-0905. Product labeling.
10 Except where prohibited by federal law, the department, in consulta-
11 tion with the department of health and department of state, is hereby
12 authorized to establish standards governing the labeling of consumer
13 products identified by the department in regulations which informs
14 consumers of the ingredients of such products including any carcinogen,
15 mutagen, endocrine disrupter or other chemicals of concern identified by
16 the department.
17 § 37-0907. Chemical disclosure.
18 The commissioner is hereby authorized to require manufacturers of
19 consumer products distributed, sold or offered for sale in this state,
20 to furnish to the commissioner for the public record as herein provided
21 information regarding such products in a form prescribed by the commis-
22 sioner including the nature and extent of investigations and research
23 performed by the manufacturer concerning the effects of such products on
24 human health and the environment. These reports shall be available to
25 the public at the department, except those portions the manufacturer
26 determines, subject to the approval of the commissioner, would be, if
27 disclosed, seriously prejudicial to the manufacturer's legitimate inter-
28 est in trade secrets and economics of operation.

1 § 37-0909. Public education.

2 The commissioner shall establish a public education program to dissem-
3 inate information regarding implementation of this title. Such informa-
4 tion may include, but not be limited to, publication of the website
5 maintained by the state where information required to be disclosed
6 pursuant to this title is maintained; publication of a manufacturer's
7 website where disclosure pursuant to this title is effectuated; and,
8 requirements for retailers to post information in a conspicuous location
9 for the benefit of consumers.

10 § 37-0911. Rules and regulations.

11 1. The department is authorized to promulgate such rules and regu-
12 lations as it shall deem necessary to implement provisions of this
13 title, and shall designate in such rules specific consumer products and
14 chemicals of concern that trigger the labeling and disclosure require-
15 ments of this title taking into account factors such as levels of expo-
16 sure and the feasibility of requiring labeling for such products.

17 2. Any regulations promulgated pursuant to section 37-0905 of this
18 title shall specify the content of such label and shall at a minimum,
19 direct consumers to where they can find additional information about the
20 product and its ingredients.

21 § 37-0913. Enforcement.

22 1. Any person who violates any of the provisions of or who fails to
23 perform any duty imposed by this title or any rule or regulation promul-
24 gated pursuant hereto, shall be liable for a civil penalty not to exceed
25 two thousand five hundred dollars for each such violation and an addi-
26 tional penalty of not more than five hundred dollars for each day during
27 which such violation continues.

28 § 37-0915. Severability.

1 The provisions of this title shall be severable and if any phrase,
2 clause, sentence or provision of this title, or the applicability there-
3 of to any person or circumstance shall be held invalid, the remainder of
4 this title and the application thereof shall not be affected thereby.
5 § 5. The public health law is amended by adding a new article 48-A to
6 read as follows:
7 ARTICLE 48-A
8 REGULATION OF PERSONAL CARE PRODUCTS
9 Section 4850. Declaration of legislative intent and findings.
10 4851. Definitions.
11 4852. Disclosure.
12 4853. Penalties.
13 4854. Severability.
14 § 4850. Declaration of legislative intent and findings. There are
15 tens of thousands of chemicals used commercially in the United States,
16 and each year approximately 1,000 chemicals are added for commercial
17 use. The majority of chemicals in commercial use in the United States,
18 including those used as ingredients in personal care products, have
19 never been fully tested for potential impacts on human health or the
20 environment.
21 Some chemicals used in personal care products have been identified
22 through scientific studies as being potential carcinogens, reproductive
23 or developmental toxicants, or endocrine disruptors. Some have also been
24 found through biomonitoring studies to be present in human blood, breast
25 milk, or urine. These findings have led national and international agen-
26 cies to develop lists of chemicals of concern based on the chemicals'
27 potential to impact human health, and their presence in products that
28 consumers use everyday.

1 Federal law requires personal care product labels to list ingredients.
2 However, information concerning the potential health effects of exposure
3 to these chemical ingredients is not widely available, chemicals used as
4 fragrances or flavoring are exempt from labelling requirements, and
5 personal care products sold for commercial use are not required to carry
6 any ingredient labelling. At present, the only way to identify a product
7 as containing a chemical of concern is to compare labeled product ingre-
8 dients with chemical lists developed by many different agencies.
9 Furthermore, independent testing and laboratory analyses by other
10 states have identified products that contain substances that could
11 potentially cause harmful health effects but that are not identified as
12 an ingredient on the product's label. Nevertheless, under the federal
13 Food, Drug and Cosmetic Act (21 U.S.C. Sec. 301 et seq.), many personal
14 care products and their ingredients are not subject to premarket safety
15 testing, review, or approval before they are sold to the public.
16 Therefore, the legislature hereby finds and declares that the disclo-
17 sures required under federal law of ingredients contained in personal
18 care products fail to adequately educate and protect consumers. In
19 order to empower consumers with the information needed to make well-in-
20 formed decisions regarding products that their families are exposed to
21 daily, it shall be the policy of the state to require the personal care
22 product industry to more fully disclose the ingredients they use and,
23 where applicable, identify ingredients that have been published as a
24 chemical of concern on one or more lists identified by the commissioner.
25 This will benefit consumers, encourage manufacturers to remove poten-
26 tially harmful chemicals from their products, and encourage development
27 of innovative methods including green chemistry to replace these ingre-
28 dients with more environmentally-preferable alternatives.

1 § 4851. Definitions. As used in this article, unless the context
2 requires otherwise:
3 1. "Ingredient" shall mean all of the following:
4 (a) An intentionally added ingredient present in any quantity in the
5 personal care product;
6 (b) A nonfunctional byproduct or nonfunctional contaminant, present in
7 a personal care product in any quantity exceeding one-half of one
8 percent (0.5%) of the content of the product by weight or other amount
9 determined by the commissioner;
10 (c) A nonfunctional byproduct present in a personal care product in
11 any quantity not exceeding one-half of one percent (0.5%) of the content
12 of the product by weight, provided such element or compound has been
13 published as a chemical of concern on one or more lists identified by
14 the commissioner;
15 (d) A nonfunctional contaminant present in a personal care product in
16 a quantity determined by the commissioner and not exceeding one-half of
17 one percent (0.5%) of the content of the product by weight, provided
18 such element or compound has been published as a chemical of concern on
19 one or more lists identified by the commissioner.
20 2. "Intentionally added ingredient" shall mean any element or compound
21 that a manufacturer has intentionally added to a personal care product,
22 and which has a functional or technical effect in the finished product,
23 including, but not limited to, the components of intentionally added
24 fragrance, flavoring and colorants, and the intentional breakdown
25 products of an added element or compound that also have a functional or
26 technical effect on the finished product.
27 3. "nonfunctional byproduct" shall mean any element or compound which
28 has no functional or technical effect in the finished product which (a)

1 was intentionally added during the manufacturing process for a personal
2 care product at any point in a product's, a raw material's or ingredi-
3 ent's supply chain or (b) was created for formed during the manufactur-
4 ing process as an intentional or unintentional consequence of the manu-
5 facturing process at any point in a product's, a raw material's, or an
6 ingredient's supply chain. This shall include, but is not limited to, an
7 unreacted raw material, a breakdown product of an intentionally added
8 ingredient, or a byproduct of the manufacturing process.
9 4. "Nonfunctional contaminant" shall mean any element or compound
10 present in a personal care product as an unintentional consequence of
11 manufacturing which has no functional or technical effect in the
12 finished product. Nonfunctional contaminants include, but are not limit-
13 ed to, elements or compounds present in the environment as contaminants
14 which were introduced into a product, a raw material, or a product
15 ingredient as a result of the use of an environmental medium, such as a
16 naturally occurring mineral, air, soil or water, in the manufacturing
17 process at any point in a product's, a raw material's, or an ingredi-
18 ent's supply chain.
19 5. "Manufacturer" shall mean any person, firm, association, partner-
20 ship, limited liability company, or corporation which produces,
21 prepares, formulates, or compounds a personal care product, or whose
22 brand name is affixed to such product. In the case of a personal care
23 product imported into the United States, "manufacturer" shall mean the
24 importer or first domestic distributor of the product if the entity that
25 manufactures the product or whose brand name is affixed to the product
26 does not have a presence in the United States.
27 6. "Personal care product" shall mean articles intended to be rubbed,
28 poured, sprinkled, or sprayed on, introduced into, or otherwise applied

1 to the human body or any part thereof for cleansing, beautifying,
2 promoting attractiveness, or altering the appearance, and articles
3 intended for use as a component of any such articles; except that such
4 term shall not include soap.
5 7. "Soap" shall mean articles comprised entirely of an alkali salt of
6 fatty acids where the detergent properties of the article are due to the
7 alkali-fatty acid compounds, and the article shall be labeled, sold, and
8 represented only as a soap.
9 § 4852. Disclosure. 1. Manufacturers of personal care products
10 distributed, sold or offered for sale in this state, whether at retail
11 or wholesale, for personal or commercial use, or distributed for promo-
12 tional purposes, shall furnish to the commissioner for public record and
13 post on the manufacturer's website, in a manner prescribed by the
14 commissioner that is readily accessible to the public and machine read-
15 able, such information regarding such products pursuant to rules and
16 regulations promulgated by the commissioner. For each personal care
17 product, such information shall include, but shall not be limited to:
18 (a) A list naming each ingredient, as defined in subdivision one of
19 section forty-eight hundred fifty-one of this article, of the product in
20 descending order of predominance by weight in the product, except that
21 ingredients present at a weight below one percent (1%) may be listed
22 following other ingredients without respect to the order of predominance
23 by weight;
24 (b) The nature and extent of investigations and research performed by
25 or for the manufacturer concerning the effects on human health and the
26 environment of such product or such ingredients; and

1 (c) Where applicable, a statement disclosing that an ingredient is
2 published as a chemical of concern on one or more lists identified by
3 the commissioner.
4 2. Such manufacturers shall furnish information on or before July
5 first, two thousand twenty and every two years thereafter. In addition,
6 such manufacturers shall furnish such information prior to the sale of
7 any new personal care product, when the formulation of a currently
8 disclosed product is changed such that the predominance of the ingredi-
9 ents in such product is changed, when any list of chemicals of concern
10 identified by the commissioner pursuant to this article is changed to
11 include an ingredient present in a personal care product subject to this
12 article, or at such other times as may be required by the commissioner.
13 3. Such information shall be made available to the public by the
14 commissioner and manufacturer, in accordance with this section, with the
15 exception of those portions which the manufacturer determines, subject
16 to the approval of the commissioner, is related to a proprietary process
17 the disclosure of which would compromise the manufacturer's competitive
18 position. The commissioner shall not approve any exceptions under this
19 subdivision with respect to any ingredient published as a chemical of
20 concern on one or more lists identified by the commissioner.
21 § 4853. Penalties. A manufacturer in violation of this article is
22 subject to a civil penalty not to exceed five thousand dollars for each
23 violation in the case of a first offense. Manufacturers who are repeat
24 violators are subject to a civil penalty not to exceed ten thousand
25 dollars for each repeat offense.
26 § 4854. Severability. The provisions of this article shall be severa-
27 ble and if any phrase, clause, sentence or provision of this article, or
28 the applicability thereof to any person or circumstance shall be held

1 invalid, the remainder of this article and the application thereof shall
2 not be affected thereby.
3 § 6. This act shall take effect on the sixtieth day after it shall
4 have become a law, provided, however, that any rule or regulation
5 promulgated pursuant to this act shall not take effect prior to April 1,
6 2021; provided, however, that section five of this act shall take effect
7 on January 1, 2020, provided that, effective immediately, the commis-
8 sioner of health shall be authorized to promulgate any and all rules and
9 regulations necessary to implement the provisions of section five on its
10 effective date.

11 PART L

12 Section 1. The banking law is amended by adding a new article 14-A to
13 read as follows:

14 ARTICLE 14-A

15 STUDENT LOAN SERVICERS

16 Section 710. Definitions.
17 711. Licensing.
18 712. Application for a student loan servicer license; fees.
19 713. Application process to receive license to engage in the
20 business of student loan servicing.
21 714. Changes in officers and directors.
22 715. Changes in control.
23 716. Grounds for suspension or revocation of license.
24 717. Books and records; reports and electronic filing.
25 718. Rules and regulations.
26 719. Prohibited practices.