

Intro. Res. No. 1843-2020

Laid on Table 11/4/2020

Introduced by Legislators Sunderman, Anker, Donnelly, Spencer and Richberg

**RESOLUTION NO. 17-2021, ADOPTING LOCAL LAW  
NO. 7-2021, A LOCAL LAW TO REGULATE THE USE OF  
PRODUCTS CONTAINING LATEX IN SUFFOLK COUNTY**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on November 4, 2020, a proposed local law entitled, "**A LOCAL LAW TO REGULATE THE USE OF PRODUCTS CONTAINING LATEX IN SUFFOLK COUNTY**"; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. 7-2021, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO REGULATE THE USE OF PRODUCTS  
CONTAINING LATEX IN SUFFOLK COUNTY**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF  
SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that Suffolk County has a duty to protect the health and safety of its residents.

This Legislature also finds and determines that latex is a naturally occurring compound used in plastic, adhesive, and paint products.

This Legislature determines that allergic reactions to latex can range in severity from a contact reaction to extreme illness and even death for some of those affected.

This Legislature further finds and determines that individuals with latex allergies can suffer harmful allergic reactions from interacting with latex at businesses and restaurants where it is used.

This Legislature also determines that many business establishments and food service establishments in Suffolk County utilize latex products on a daily basis.

This Legislature determines that there are similarly priced alternatives to many latex products which can be used in these establishments.

This Legislature finds that to protect the health and safety of individuals with latex allergies, business establishments should post signs warning of latex usage in their establishment and food service establishments should be prohibited from using such products entirely.

Therefore, the purpose of this law is to require that all business establishments serving the public in Suffolk County where latex products are utilized visibly post signs stating the same and to restrict the use of latex products in food service establishments.

## **Section 2. Definitions.**

As used in this law, the following terms shall have the meanings indicated:

**BUSINESS ESTABLISHMENT** – any location where business is conducted with members of the public on site or where services are rendered, including, but not limited to: retail stores, personal care service establishments, and other business entities which allow the public to routinely enter their facilities.

**FOOD SERVICE ESTABLISHMENT** - As defined in Article 13, § 760-1300(3)(X), of the Suffolk County Sanitary Code.

**LATEX** – a milky fluid found in many plants, such as poppies, spurge, and rubber trees which is used for making natural rubber or dry natural rubber.

**NORMAL COURSE OF BUSINESS** – the carrying on of business consistent in nature, scope, and magnitude with best practices of the particular industry and is taken in normal day-to-day operations of such business. This definition shall not include a business engaging in the sale of products containing latex or the use of latex materials (i.e. latex paint, carpeting with latex backing) in the construction or maintenance of the physical business establishment or location.

**PERSONAL CARE SERVICE ESTABLISHMENTS** – businesses where physical services are provided to an individual, including, but not limited to: tattoo and piercing parlors, hair salons, barber shops, shaving salons, appearance enhancement practitioners, massage therapy, spas, cosmetology, nail specialty, UV and non-UV tanning, and waxing salons.

**PRODUCTS CONTAINING LATEX** – any item used by a business in the normal course of business which is comprised in whole or in part of latex.

**PRIVATE INDIVIDUAL** – any person or individual not associated or affiliated with a business establishment.

**RETAIL STORE** - Any outlet, store, shop, mercantile establishment, or other place of business engaged in the retail sale of goods or merchandise directly to consumers.

## **Section 3. Restrictions.**

No food service establishment in Suffolk County shall use products containing latex in the normal course of business. This restriction includes, but is not limited to: gloves, utensils, and food packaging.

## **Section 4. Posting of signs required.**

- A. Every business establishment in Suffolk County where products containing latex are used in the normal course of business must prominently display signs meeting the requirements set forth in this law, with one within eight (8) feet of the entrance used by

customers of the business establishment and the second immediately adjacent to or behind the point of sale, when applicable.

- B. The Department of Health Services shall develop the required signage and shall make a digital version publicly available on its website on or before the effective date of this law.
- C. The signs required under this law must:
  - 1. state in bold lettering at least 1/2" in height on a contrasting background on a sign measuring at least 8.5" by 14":

**NOTICE: PRODUCTS CONTAINING LATEX ARE UTILIZED AT THIS ESTABLISHMENT.**
  - 2. be posted in English, Spanish and Haitian Creole; and
  - 3. be protected from tampering, damage, removal, or concealment.
- D. The sign requirements established in this section shall not apply to business establishments if:
  - 1. the product containing latex is purchased and transported to the establishment by a private individual for short term use of one (1) business day or less;
  - 2. the product containing latex is completely enclosed in packaging for sale at either retail or wholesale; or
  - 3. the naturally occurring proteins found in the product containing latex have been stripped or deemed nonreactive through a standard chemical or washing process to remove any reaction-related proteins during manufacturing.
- E. This law shall be enforced on a complaint basis.

**Section 5. Enforcement.**

This law shall be enforced by the Suffolk County Department of Health Services.

**Section 6. Rules and Regulations.**

The Commissioner of the Department of Health Services is hereby authorized and empowered to promulgate rules and regulations necessary for the implementation of the provisions of this law.

**Section 7. Penalties.**

- A. Violation of this law shall be subject to a civil penalty of up to \$250 for an initial violation, with a penalty of up to \$500 for a second violation and a penalty of up to \$1,000 for any subsequent violation.

- B. No penalties shall be imposed by the Department of Health Services until a hearing is held by the Commissioner or his or her designee and the alleged violator is given an opportunity to be heard.

**Section 8. Applicability.**

This law shall apply to all business establishments and food service establishments on or after the effective date of this law.

**Section 9. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 10. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(26), (27) and (33) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW in that the action constitutes routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 11. Effective Date.**

This law shall take effect 120 days after its filing in the Office of the Secretary of State.

DATED: February 2, 2021

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: March 8, 2021

After a public hearing duly held on February 15, 2021  
Filed with the Secretary of State on March 25, 2021