



**NEW YORK CITY
DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The New York City Department of Health and Mental Hygiene (“Department”) is proposing to add a new Chapter 42 to Title 24 of the Rules of the City of New York to establish a rule that defines which intentionally added ingredients in menstrual and personal care products constitute “restricted substances” and prohibits the sale and distribution of such products as required by Local Law 136 of 2025, codified at New York City Administrative Code (“Ad Code”) § 20-699.30.

When and where is the hearing? The Department will hold a public hearing on the proposed rule. The public hearing will take place from 10 a.m. until 11 a.m. on September 16, 2026. The hearing will be conducted by video conference accessible via internet or telephone.

- **Internet.** To participate in the public hearing, enter to register at this Zoom meeting: <https://health-nyc.zoomgov.com/j/1652112788?pwd=ljlBJej2NHa9luN7b1rW1rCaob6nby.1>
If prompted to provide meeting ID and passcode, please enter the following:
Meeting ID: 165 211 2788, Passcode: 276177
- **Phone:** For access, dial: (646) 828-7666 or Toll-free (833) 568-8864; (833) 435-1820, then please enter the following Meeting ID: 165 211 2788.

How do I comment on the proposed rule? Anyone can comment on the proposed rule by:

- **Website.** You can submit comments to the Department through the NYC Rules website at <http://rules.cityofnewyork.us>
- **Email.** You can email written comments to resolutioncomments@health.nyc.gov
- **Mail.** You can mail comments to the Department at:
New York City Department of Health and Mental Hygiene
42-09 28th Street, 14th Floor, CN 30
Long Island City, NY 11101-4132
Attn: Svetlana Burdeynik
- **Fax.** You can fax written comments to the Department at 347-396-6087.
- **Speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling the Department at 347-396-6078 or 347-396-6116. You can also sign up at the hearing when you join hearing on Zoom on September 16, 2026. You can speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

Is there a deadline to submit written comments? Written comments must be received on or before September 16, 2026, at 5:00 pm.

What if I need assistance to participate in the hearing? You must tell the Office of General Counsel if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 347-396-6078. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by September 2, 2026.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, a transcript of the hearing and copies of the written comments will be available for review by the public at the Department's Office of the Secretary.

What authorizes the Department to make this amendment? Section 556 of the New York City Charter provides the Department with jurisdiction to protect and promote the health of all persons in the City of New York. Section 389(b) of the Charter provides that "heads of mayoral agencies shall have the power to adopt rules to carry out the powers and duties delegated to the agency head or the agency by or pursuant to federal, state or local law." Charter section 1043(a) similarly provides that each "agency is empowered to adopt rules necessary to carry out the powers and duties delegated to it by or pursuant to federal, state or local law." Local Law 136 of 2025 requires the Department to adopt a rule setting forth the intentionally added ingredients that will constitute restricted substances for purposes of the local law.

Where can I find the Department's rules and the Health Code? The Department's rules and the Health Code are located in Title 24 of the Rules of the City of New York.

What laws govern the rulemaking process? The Department must satisfy the requirements of section 1043 of the Charter when adding or amending rules. This notice is made according to the requirements of section 1043(b) of the Charter. These changes were not included in the Department's legislative agenda because they were not contemplated at that time.

Statement of Basis and Purpose of Proposed Rule

In late 2025, the New York City Council adopted Local Law 136 of 2025 (LL 136), codified at New York City Administrative Code ("Ad Code") § 20-699.30. This law prohibits the sale, offer for sale, or distribution of menstrual products or intimate care products that contain certain intentionally added ingredients that are harmful to human health listed on the packaging label, including specified chemicals and fragrances. Under LL 136, the Department is required to "adopt by rule the *intentionally added ingredients* that shall constitute *restricted substances* for purposes of this section." (Ad Code § 20-699.30(b) emphasis added). These two key terms are defined by LL 136 as:

1. “intentionally added ingredient,” which “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”; and
2. “restricted substance,” which “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.”

LL 136 also requires the Department to, no later than 90 days after the New York State Department of Health (“SDOH”) “promulgates a regulation pursuant to state law establishing the lowest level that can feasibly be achieved of restricted substances in menstrual products[,] . . . adopt such levels as the lowest level that can feasibly be achieved of restricted substances in menstrual products or intimate care products.” These levels are to be updated every five years “in accordance with any updates to such regulations of” SDOH, and the Department must maintain on its website a list of products that contain restricted substances above the levels set by SDOH (Ad Code § 20-699.30(c)). Therefore, as adopted, LL 136 would initially prohibit the sale of menstrual or intimate care products that contains *any* level of an intentionally added ingredient that is a restricted substance but then, two years after the Department adopts the threshold levels of restricted substances set by SDOH regulations, would prohibit the sale of these products with levels of restricted substances at or above such levels.

At the time of LL 136’s adoption, the New York State bill (S1548-2025) that would have required SDOH to adopt regulations setting the lowest level that can feasibly be achieved of restricted substances in menstrual products was not yet enacted.¹ The State bill was signed into law by the Governor in December of last year,² and was amended shortly thereafter to remove the requirement for SDOH to adopt such regulations.³ As a result of the amendment, and absent any new State law requiring SDOH to promulgate regulations establishing the lowest level that can feasibly be achieved in menstrual products, the provisions of LL 136 requiring the Department to adopt threshold levels set by SDOH pursuant to state law and to maintain on its

¹ Committee on Women and Gender Equity Report on Proposed Introduction No. 867-A and Nos. 1258-A, 09/10/2025, available online at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6695220&GUID=6E2617E2-E311-441F-A102-5AF11FEF4DD0&Options=Advanced&Search=>.

² Chapter 674 of the Laws of 2025.

³ Chapter 31 of the Laws of 2026.

website a list of products that contain restricted substances at or above such levels will not take effect. Nonetheless, the Department is still required to adopt a rule stating which intentionally added ingredients will constitute restricted substances for purposes of LL 136 (Ad Code § 20-699.30(b)). The Department therefore proposes adopting the following rule that sets forth the intentionally added ingredients that constitute restricted substances.

The authority for this proposed amendment is found in Sections 389, 556 and 1043 of the New York City Charter, and Local Law 136 of 2025.

The proposed amendment is as follows:

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this Department, unless otherwise specified or unless the context clearly indicates otherwise.

New material is underlined.

Section 1. Title 24 of the Rules of the City of New York is amended by adding a new chapter 42 to read as follows:

Chapter 42: Designation of Restricted Substances for Menstrual and Intimate Care Products

§ 42-01 Definitions. Terms used in this chapter have the same meanings as the terms defined in New York City Administrative Code § 20-699.30.

§ 42-02 Restricted Substances. For purposes of New York City Administrative Code § 20-699.30, the following intentionally added ingredients shall constitute restricted substances:

- (a) lead,
- (b) mercury and mercury compounds,
- (c) formaldehyde,
- (d) triclosan,
- (e) toluene,
- (f) talc,
- (g) dibutyl phthalate,
- (h) di(2)exylhexyl phthalate,
- (i) butylphenyl methylpropional,
- (j) isobutyl-,
- (k) isopropylparaben,
- (l) butylparaben,
- (m) propylparaben,

- (n) perfluoroalkyl and polyfluoroalkyl substances, and
- (o) fragrance.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Rules Regarding Restricted Substances in Personal Care Products

REFERENCE NUMBER: 2026 RG 056

RULEMAKING AGENCY: Department of Health and Mental Hygiene

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Senior Counsel

Date: July 27, 2026

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Rules Regarding Restricted Substances in Personal Care Products

REFERENCE NUMBER: DOHMH-73

RULEMAKING AGENCY: Department of Health and Mental Hygiene

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

July 28, 2026
Date