



STATE OF NEW YORK  
DEPARTMENT OF LABOR  
Counsel's Office  
345 Hudson Street - Room 8001  
New York, New York 10014-0673

MEMORANDUM

February 8, 2001

To: Michael Kramer, AITF

From: Charles Horwitz, Counsel's Office *CH*

Re: A. Lunt Design, Inc. Query concerning Article 12-A of the Labor Law

This is in response to your query whether a firm that manufactures disposable medical apparel such as pediatric exam gowns, physical therapy shorts, diapers, shirts, pajamas and halters is required to register under the garment registration laws, Article 12-A of the Labor Law. Section 340 (d) and (e) of the Labor Law provides that manufacturers or contractors include any persons in New York who contract to manufacture any apparel or section of apparel designed to be worn and sold to any individual. The law does not exclude disposable apparel and contrary to the firm's assertions, is not limited to "fashion" or "street wear".

A prior decision by the Industrial Board of Appeals, Matter of Petition of IGI Industries, Inc., PR-7-95, held that IGI manufactured disposable clothing that is considered a "medical device" licensed by the Federal Food and Drug Administration and therefore was not subject to Labor Law's registration requirements. The Board also found that the FDA had licensed IGI's products during its many years of operation. That case can be distinguished from the instant case because A. Lunt Design, Inc. has never registered its apparel as a medical device with the FDA and never entered into a licensing agreement with that agency.

Accordingly, since the firm is not manufacturing medical devices licensed by the FDA, is located in New York and manufactures apparel that is worn and sold, it is subject to the registration requirements of Article 12-A.

The legislative history of that law supports this conclusion. It found that many segments of the apparel industry suffer from sweatshop-like conditions and did not exempt disposable apparel manufacturers from coverage. Therefore, it would be contrary to law and legislative history to exclude apparel firms that manufacture disposable clothing from Article 12-A's registration requirements.

Please contact me if you have any questions.