



General Assembly

Substitute Bill No. 5299

February Session, 2016



AN ACT CONCERNING TOXIC FLAME RETARDANT CHEMICALS IN CHILDREN'S PRODUCTS AND UPHOLSTERED RESIDENTIAL FURNITURE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2018*) (a) For the purposes of this
2 section:

3 (1) "Children's product" means a product, or article used as a
4 component of a product, designed or intended primarily for use by or
5 for children twelve years of age or younger, including, but not limited
6 to, clothing, toys, nursing pillows, crib mattresses, changing pads and
7 strollers. "Children's products" does not include food, beverages,
8 dietary supplements, pharmaceutical products, biologics, consumer
9 electronics, off-highway motorcycles, all-terrain vehicles, children's
10 toys that are subject to the most recent version of the ASTM F963,
11 Standard Consumer Safety Specification for Toy Safety, devices as
12 defined by the federal Food, Drug and Cosmetic Act, 21 USC 321(h) or
13 products governed by federal motor vehicle standards contained in 49
14 CFR 571.213 and 49 CFR 571.302;

15 (2) "Upholstered residential furniture" means furniture with
16 padding, coverings and cushions intended and sold for use in the
17 home or places of lodging.

18 (3) "TDCPP" or "TDCP" means tris(1,3-dichloro-2-propyl)phosphate;

19 (4) "TCEP" means tris(2-chloroethyl)phosphate; and

20 (5) "TCPP" means tris(1-chloro-2-propyl)phosphate.

21 (b) On and after July 1, 2018, no person may manufacture for use in
22 this state a children's product or upholstered residential furniture
23 containing, in amounts greater than .01 per cent by weight, the flame
24 retardant chemicals decabromodiphenyl ether,
25 hexabromocyclododecane, TDCPP, TDCP, TCEP and TCPP.

26 (c) On and after July 1, 2019, no person may sell, offer for sale or use
27 in this state a children's product or upholstered residential furniture
28 containing, in amounts greater than .01 per cent by weight, the flame
29 retardant chemicals listed in subsection (b) of this section.

30 (d) The provisions of subsections (b) and (c) of this section shall not
31 apply to an individual who, for personal, family or household
32 purposes, uses, offers for resale, resells or distributes children's
33 products or upholstered residential furniture.

34 (e) A manufacturer shall not replace a flame retardant chemical
35 listed in subsection (b) of this section in a children's product or
36 upholstered residential furniture with a chemical that has been
37 identified, on the basis of credible scientific evidence published in
38 peer-reviewed scientific literature generally recognized by the relevant
39 scientific community, to harm the normal development of a fetus or
40 child, harm normal development, cause cancer, cause genetic damage
41 or reproductive harm, disrupt the endocrine system, damage the
42 nervous system, immune system or organs or cause other systemic
43 toxicity, be persistent, bioaccumulative and toxic or be very persistent
44 and very bioaccumulative.

45 (f) The Commissioner of Consumer Protection shall, within
46 available appropriations, enforce the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
---	--	--

Section 1	July 1, 2018	New section
-----------	--------------	-------------

Statement of Legislative Commissioners:

In Section 1(c), "sell or offer for sale or for use" was changed to "sell, offer for sale or use" for accuracy, and in Section 1(e), "in a children's product or upholstered residential furniture" was added for conformity and accuracy.

KID *Joint Favorable Subst.*