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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3131

03/16/2016 Authored by Howe, Isaacson, Youakim, Bernardy, Fischer and others
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to health; prohibiting the use of certain flame-retardant chemicals
1.3 in certain products; amending Minnesota Statutes 2015 Supplement, section
1.4 325F.071.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2015 Supplement, section 325F.071, is amended to read:

1.7 **325F.071 FLAME-RETARDANT CHEMICALS; PROHIBITION.**

1.8 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms
1.9 have the meanings given.

1.10 (b) "Child" means a person under 12 years of age.

1.11 (c) "Children's product" means a product primarily designed or intended by a
1.12 manufacturer to be used by or for a child, including any article used as a component of such
1.13 a product, but excluding a food, beverage, dietary supplement, pharmaceutical product
1.14 or biologic, children's toys that are subject to the most recent version of the American
1.15 Society for Testing and Materials F963, Standard Consumer Safety Specification for Toy
1.16 Safety, a medical device as defined in the Federal Food, Drug, and Cosmetic Act, United
1.17 States Code, title 21, section 321(h), products listed under section 116.9405, clauses (10)
1.18 and (11), and products listed under sections 325F.03 and 325F.04.

1.19 (d) "Upholstered residential furniture" means furniture with padding, coverings, and
1.20 cushions intended and sold for use in the home or places of lodging.

1.21 (e) "Residential textile" means a textile designed for use in the home or places of
1.22 lodging as a covering on windows, walls, or floors. Residential textile includes carpeting
1.23 and carpet padding.

2.1 Subd. 2. **Flame-retardant chemicals; prohibition.** (a) On and after July 1, 2018,
2.2 no manufacturer or wholesaler may manufacture, sell, offer for sale, distribute for sale, or
2.3 distribute for use in this state a children's product or, upholstered residential furniture,
2.4 residential textile, or mattress containing, in amounts greater than 1,000 parts per million
2.5 in any product component, the following flame-retardants:

- 2.6 (1) TDCPP (tris(1,3-dichloro-2-propyl)phosphate), Chemical Abstracts Service
2.7 number 13674-87-8;
- 2.8 (2) decabromodiphenyl ether, Chemical Abstracts Service number 1163-19-5;
- 2.9 (3) hexabromocyclododecane, Chemical Abstracts Service number 25637-99-4; and
- 2.10 (4) TCEP (tris(2-chloroethyl)phosphate), Chemical Abstracts Service number
2.11 115-96-8;
- 2.12 (5) tetrabromobisphenol A, Chemical Abstracts Service number 79-94-7;
- 2.13 (6) antimony, Chemical Abstracts Service number 7440-36-0;
- 2.14 (7) tetrabromo phthalate (TBPH), Chemical Abstract Service number 26040-51-7;
- 2.15 (8) tetrabromo benzoate (TBB), Chemical Abstract Service number 183658-27-7;
- 2.16 (9) chlorinated paraffins, Chemical Abstract Service number 85535-84-8; and
- 2.17 (10) tris(1-chloro-2-propyl)phosphate (TCPP), Chemical Abstract Service number
2.18 13674-84-5.

2.19 (b) On and after July 1, 2019, no retailer may sell or offer for sale or use in this state
2.20 a children's product or, upholstered residential furniture, residential textile, or mattress
2.21 containing in amounts greater than 1,000 parts per million in any product component the
2.22 flame retardant chemicals listed in paragraph (a).

2.23 (c) The sale or offer for sale of any previously owned product containing a chemical
2.24 restricted under this section is exempt from the provisions of this section.

2.25 Subd. 3. **Flame-retardant chemicals; replacement chemicals.** A manufacturer
2.26 shall not replace a chemical whose use is prohibited under this section with a chemical
2.27 identified on the basis of credible scientific evidence by a state, federal, or international
2.28 agency as being known or suspected with a high degree of probability to:

- 2.29 (1) harm the normal development of a fetus or child or cause other developmental
2.30 toxicity;
- 2.31 (2) cause cancer, genetic damage, or reproductive harm;
- 2.32 (3) disrupt the endocrine or hormone system; or
- 2.33 (4) damage the nervous system, immune system, or organs, or cause other systemic
2.34 toxicity.