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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 359

- 01/24/2019 Authored by Becker-Finn, Fischer, Hornstein, Loeffler, Freiberg and others  
The bill was read for the first time and referred to the Committee on Health and Human Services Policy
- 03/04/2019 By motion, recalled and re-referred to the Committee on Commerce
- 03/07/2019 Adoption of Report: Re-referred to the Committee on Health and Human Services Policy
- 03/11/2019 Adoption of Report: Re-referred to the Committee on Environment and Natural Resources Policy

1.1 A bill for an act

1.2 relating to health; prohibiting the use of certain flame-retardant chemicals in certain

1.3 products; amending Minnesota Statutes 2018, section 325F.071.

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

1.5 Section 1. Minnesota Statutes 2018, section 325F.071, is amended to read:

1.6 **325F.071 FLAME-RETARDANT CHEMICALS; PROHIBITION.**

1.7 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have

1.8 the meanings given.

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

1.10 (c) "Children's product" means a product primarily designed or intended by a

1.11 manufacturer to be used by or for a child, including any article used as a component of such

1.12 a product, but excluding a food, beverage, dietary supplement, pharmaceutical product or

1.13 biologic, children's toys that are subject to the most recent version of the American Society

1.14 for Testing and Materials F963, Standard Consumer Safety Specification for Toy Safety, a

1.15 medical device as defined in the Federal Food, Drug, and Cosmetic Act, United States Code,

1.16 title 21, section 321(h), products listed under section 116.9405, clauses (10) and (11), and

1.17 products listed under sections 325F.03 and 325F.04.

1.18 (d) "Upholstered ~~residential~~ furniture" means furniture with padding, coverings, and

1.19 cushions ~~intended and sold for use in the home or places of lodging.~~

1.20 (e) "Residential or business textile" means a textile designed for use in the home,

1.21 businesses, or places of lodging as a covering on windows, walls, or floors. Residential or

1.22 business textile includes carpeting and carpet padding.

2.1 Subd. 2. **Flame-retardant chemicals; prohibition.** (a) On and after July 1, ~~2018~~ 2020,  
 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 or business textile, or mattress containing, in amounts greater than 1,000 parts  
 2.5 per million in any product component, ~~the following flame-retardants:~~ any halogenated,  
 2.6 phosphorus-based, nitrogen-based, and nanoscale flame retardants.

2.7 ~~(1) TDCPP (tris(1,3-dichloro-2-propyl)phosphate), Chemical Abstracts Service number~~  
 2.8 ~~13674-87-8;~~

2.9 ~~(2) decabromodiphenyl ether, Chemical Abstracts Service number 1163-19-5;~~

2.10 ~~(3) hexabromocyclododecane, Chemical Abstracts Service number 25637-99-4; and~~

2.11 ~~(4) TCEP (tris(2-chloroethyl)phosphate), Chemical Abstracts Service number 115-96-8.~~

2.12 (b) On and after July 1, ~~2019~~ 2021, no retailer may sell or offer for sale or use in this  
 2.13 state a children's product or, upholstered ~~residential~~ furniture, residential or business textile,  
 2.14 or mattress containing in amounts greater than 1,000 parts per million in any product  
 2.15 component the flame retardant chemicals listed in paragraph (a).

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

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

2.22 (1) harm the normal development of a fetus or child or cause other developmental  
 2.23 toxicity;

2.24 (2) cause cancer, genetic damage, or reproductive harm;

2.25 (3) disrupt the endocrine or hormone system; or

2.26 (4) damage the nervous system, immune system, or organs, or cause other systemic  
 2.27 toxicity.

2.28 Subd. 4. **Firefighting foam.** Beginning July 1, 2020, no manufacturer or wholesaler  
 2.29 may manufacture, sell, offer for sale, distribute for sale, or distribute for use in this state  
 2.30 class B firefighting foam that contains intentionally added PFC or perfluorinated chemicals.

2.31 Subd. 5. **Enforcement.** The commissioner of the Pollution Control Agency shall enforce  
 2.32 compliance with this section under authority of sections 115.071 and 116.072. The

- 3.1 commissioner shall coordinate with the Department of Commerce and the Department of
- 3.2 Health in enforcing provisions of this section.