CHAPTER 62--S.F.No. 1215

An act relating to health; prohibiting the use of certain flame-retardant chemicals in certain products; requiring a report;proposing coding for new law in Minnesota Statutes, chapter 325F.

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

Section 1. **[325F.071] FLAME-RETARDANT CHEMICALS; PROHIBITION.**

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

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

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

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

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

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

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

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

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

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

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

Subd. 3. **Flame-retardant chemicals; replacement chemicals.** A manufacturer shall not replace a chemical whose use is prohibited under this section with a chemical identified on the basis of credible

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scientific evidence by a state, federal, or international agency as being known or suspected with a high degree of probability to:

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

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

(3) disrupt the endocrine or hormone system; or

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

Sec. 2. **FLAME RETARDANT REPORTS.**

By January 15, 2016, the commissioner of health, in consultation with the state fire marshal, shall report to the chairs and ranking minority members of the senate and house of representatives committees with primary jurisdiction over environment and natural resources policy, commerce, health, and public safety regarding:

(1) the status of federal, international, and other states' laws and regulations in identifying, prioritizing, evaluating, and regulating the use of flame retardants in upholstered furniture, mattresses, and carpet pads;

(2) the status of relevant fire safety standards and practices for residential settings for products including mattresses, upholstered furniture, and carpet pads;

(3) the status of and any authoritative findings from studies and reports on a direct link to meaningful negative health and safety effects and impacts on firefighters of flame retardants covered by this section, particularly as it relates to the combustion of flame retardants in articles in actual firefighting settings relative to overall smoke hazards and combustion byproducts;

(4) in developing the report, the agency may consult with stakeholders, including representatives of state agencies, product manufacturers, chemical manufacturers, firefighters, public health experts, and independent scientists. The report must include information on any stakeholder process consulted with or used in developing the report.

Presented to the governor May 18, 2015

Signed by the governor May 19, 2015, 4:04 p.m.

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