

**SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION**

S.F. No. 1656

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DATE	D-PG	OFFICIAL STATUS
03/12/2015	773	Introduction and first reading Referred to Environment and Energy

1.1 A bill for an act
 1.2 relating to health; requiring labeling of children's products containing hazardous
 1.3 chemicals; amending Minnesota Statutes 2014, section 116.9401; proposing
 1.4 coding for new law in Minnesota Statutes, chapter 116.

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

1.6 Section 1. Minnesota Statutes 2014, section 116.9401, is amended to read:

1.7 **116.9401 DEFINITIONS.**

1.8 (a) For the purposes of sections 116.9401 to ~~116.9407~~ 116.941, the following terms
 1.9 have the meanings given them.

1.10 (b) "Agency" means the Pollution Control Agency.

1.11 (c) "Alternative" means a substitute process, product, material, chemical, strategy,
 1.12 or combination of these that is technically feasible and serves a functionally equivalent
 1.13 purpose to a chemical in a children's product.

1.14 (d) "Chemical" means a substance with a distinct molecular composition or a group
 1.15 of structurally related substances and includes the breakdown products of the substance or
 1.16 substances that form through decomposition, degradation, or metabolism.

1.17 (e) "Chemical of high concern" means a chemical identified on the basis of credible
 1.18 scientific evidence by a state, federal, or international agency as being known or suspected
 1.19 with a high degree of probability to:

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

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

1.23 (3) disrupt the endocrine or hormone system;

- 2.1 (4) damage the nervous system, immune system, or organs, or cause other systemic
2.2 toxicity;
- 2.3 (5) be persistent, bioaccumulative, and toxic; or
- 2.4 (6) be very persistent and very bioaccumulative.
- 2.5 (f) "Child" means a person under 12 years of age.
- 2.6 (g) "Children's product" means a consumer product intended for use by children,
2.7 such as baby products, toys, car seats, personal care products, and clothing.
- 2.8 (h) "Commissioner" means the commissioner of the Pollution Control Agency.
- 2.9 (i) "Department" means the Department of Health.
- 2.10 (j) "Distributor" means a person who sells consumer products to retail establishments
2.11 on a wholesale basis.
- 2.12 (k) "Green chemistry" means an approach to designing and manufacturing products
2.13 that minimizes the use and generation of toxic substances.
- 2.14 (l) "Manufacturer" means any person who manufactures a final consumer product
2.15 sold at retail or whose brand name is affixed to the consumer product. In the case of a
2.16 consumer product imported into the United States, manufacturer includes the importer
2.17 or domestic distributor of the consumer product if the person who manufactured or
2.18 assembled the consumer product or whose brand name is affixed to the consumer product
2.19 does not have a presence in the United States.
- 2.20 (m) "Priority chemical" means a chemical identified by the Department of Health as
2.21 a chemical of high concern that meets the criteria in section 116.9403.
- 2.22 (n) "Safer alternative" means an alternative whose potential to harm human health is
2.23 less than that of the use of a priority chemical that it could replace.

2.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.25 Sec. 2. **[116.941] LABELING.**

2.26 **Subdivision 1. Definition.** For the purposes of this section, "label" means to display
2.27 printed matter upon a product, upon the product's immediate container, or affixed to the
2.28 product so that the printed matter is clearly visible to a customer prior to the customer
2.29 purchasing the product.

2.30 **Subd. 2. Prohibition.** Beginning July 1, 2016, no children's product containing a
2.31 priority chemical designated by the department under section 116.9403 may be offered for
2.32 sale in this state unless it complies with the requirements of subdivision 3.

2.33 **Subd. 3. Required labeling.** Beginning July 1, 2016, or 120 days after a chemical
2.34 has been designated as a priority chemical by the department through publication in the
2.35 State Register, whichever is later, a manufacturer or distributor of a children's product

3.1 offered for sale in this state that contains a priority chemical must label each unit of that
3.2 product offered for sale in this state as follows:

3.3 "WARNING: This product contains [NAME OF PRIORITY CHEMICAL], a
3.4 chemical known or suspected with a high degree of probability by the Minnesota
3.5 Department of Health to be potentially hazardous to human health."

3.6 Subd. 4. **Enforcement.** The agency shall enforce this section in the manner
3.7 provided by section 115.071, subdivisions 1, 3, 4, 5, and 6. Section 115.071, subdivision
3.8 2, does not apply to violations of this section.

3.9 Subd. 5. **Remedies.** Nothing in this section shall be construed to establish a new
3.10 civil remedy, or to affect the availability of a civil remedy already provided by law.

3.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.