

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-SEVENTH LEGISLATURE**

**S.F. No. 1766**

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DATE	D-PG	OFFICIAL STATUS
02/09/2012	3773	Introduction and first reading Referred to Environment and Natural Resources

1.1 A bill for an act  
1.2 relating to commerce; requiring reporting of children's products containing  
1.3 harmful chemicals; amending Minnesota Statutes 2010, section 116.9405;  
1.4 proposing 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 2010, section 116.9405, is amended to read:

1.7 **116.9405 APPLICABILITY.**

1.8 The requirements of sections 116.9401 to ~~116.9407~~ 116.9408 do not apply to:

1.9 (1) chemicals in used children's products;

1.10 (2) priority chemicals used in the manufacturing process, but that are not present  
1.11 in the final product;

1.12 (3) priority chemicals used in agricultural production;

1.13 (4) motor vehicles as defined in chapter 168 or watercraft as defined in chapter  
1.14 86B or their component parts, except that the use of priority chemicals in detachable  
1.15 car seats is not exempt;

1.16 (5) priority chemicals generated solely as combustion by-products or that are present  
1.17 in combustible fuels;

1.18 (6) retailers;

1.19 (7) pharmaceutical products or biologics;

1.20 (8) a medical device as defined in the federal Food, Drug, and Cosmetic Act, United  
1.21 States Code, title 21, section 321(h);

1.22 (9) food and food or beverage packaging, except a container containing baby food  
1.23 or infant formula;

2.1 (10) consumer electronics products and electronic components, including but not  
2.2 limited to personal computers; audio and video equipment; calculators; digital displays;  
2.3 wireless phones; cameras; game consoles; printers; and handheld electronic and electrical  
2.4 devices used to access interactive software or their associated peripherals; or products that  
2.5 comply with the provisions of directive 2002/95/EC of the European Union, adopted by  
2.6 the European Parliament and Council of the European Union now or hereafter in effect; ~~or~~

2.7 (11) outdoor sport equipment, including snowmobiles as defined in section 84.81,  
2.8 subdivision 3; all-terrain vehicles as defined in section 84.92, subdivision 8; personal  
2.9 watercraft as defined in section 86B.005, subdivision 14a; watercraft as defined in section  
2.10 86B.005, subdivision 18; and off-highway motorcycles, as defined in section 84.787,  
2.11 subdivision 7, and all attachments and repair parts for all of this equipment; or

2.12 (12) a children's product, the annual production of which is less than 3,000 units.

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

2.14 Sec. 2. **[116.9408] REPORTING INFORMATION ON PRIORITY CHEMICALS.**

2.15 (a) Within 180 days after a priority chemical is designated under section 116.9403,  
2.16 or, for a priority chemical designated under section 116.9403 before July 1, 2011, by  
2.17 January 1, 2013, a manufacturer or distributor of a children's product offered for sale in  
2.18 the state that contains a priority chemical must, unless the children's product is not subject  
2.19 to regulation under section 116.9405, provide the following information to the agency on  
2.20 a form developed by the commissioner:

2.21 (1) the name of the priority chemical and its Chemical Abstracts Service Registry  
2.22 number;

2.23 (2) in which of the following categories the children's product containing a priority  
2.24 chemical belongs:

2.25 (i) Category 1: a children's product intended to be used by children three years of age  
2.26 or younger or intended to be placed in a child's mouth or directly applied to a child's skin;

2.27 (ii) Category 2: a children's product intended to be in direct contact with a child's skin  
2.28 for one hour or longer, including but not limited to clothing, jewelry, bedding, or a car seat;

2.29 (iii) Category 3: a children's product intended to be in direct contact with a child's  
2.30 skin for less than one hour; or

2.31 (iv) Category 4: a children's product in which a priority chemical is only contained  
2.32 in an internal component not intended to be in direct contact with a child's skin or mouth;

2.33 (3) an estimate of the total amount of the priority chemical contained in each product  
2.34 and product component, a description of how the estimate was made, and an evaluation of  
2.35 the estimate's accuracy;

3.1 (4) the number of units of the children's product sold or distributed in Minnesota  
3.2 or nationally;

3.3 (5) any assessment of the use of safer alternatives to the priority chemical contained  
3.4 in the children's product;

3.5 (6) any other information the manufacturer deems relevant; and

3.6 (7) any information requested by the commissioner.

3.7 (b) If the information required in paragraph (a) is not submitted in a timely fashion  
3.8 or is incomplete or otherwise unacceptable as determined by the agency, the agency may  
3.9 contract with an independent third party of the agency's choice to provide the information  
3.10 and may assess a fee on the manufacturer or distributor that is equal to the costs billed by  
3.11 the independent contractor plus the agency's actual costs incurred to bid and administer  
3.12 the contract.

3.13 (c) Following the initial submission of the information required under paragraph  
3.14 (a), a manufacturer or distributor of a children's product offered for sale in the state that  
3.15 continues to contain a priority chemical must submit the information required under  
3.16 paragraph (a) to the agency every two years thereafter.

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

3.18 Sec. 3. **REVISOR'S INSTRUCTION.**

3.19 The revisor of statutes shall change the range reference "sections 116.9401 to  
3.20 116.9407" to "sections 116.9401 to 116.9408" wherever it appears in Minnesota Statutes  
3.21 and Minnesota Rules.