

**SENATE  
STATE OF MINNESOTA  
NINETIETH SESSION**

**S.F. No. 1535**

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Introduction and first reading  
Referred to Commerce and Consumer Protection Finance and Policy

OFFICIAL STATUS

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 2016, section 325F.071.

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

1.5 Section 1. Minnesota Statutes 2016, 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) "Additive TBBPA" means the chemical tetrabromobisphenol A, Chemical Abstracts  
1.10 Service number 79-94-7, as of the effective date of this section, in a form that has not  
1.11 undergone a reactive process and is not covalently bonded to a polymer in a product or  
1.12 product component.

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

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

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

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

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~~<sub>2</sub> upholstered residential furniture<sub>2</sub>, residential textile, or mattress 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;<sub>2</sub>

(5) tetrabromobisphenol A, as defined in subdivision 1, paragraph (b), Chemical Abstracts Service number 79-94-7;

(6) tetrabromo phthalate (TBPH), Chemical Abstract Service number 26040-51-7;

(7) tetrabromo benzoate (TBB), Chemical Abstract Service number 183658-27-7;

(8) chlorinated paraffins, Chemical Abstract Service number 85535-84-8;

(9) tris(1-chloro-2-propyl)phosphate (TCPP), Chemical Abstract Service number 13674-84-5;

(10) triphenyl phosphate (TPP), Chemical Abstracts Service number 115-86-6;

(11) phosphoric acid, P,P'-[2,2-bis(chloromethyl)-1,3-propanediyl] P,P,P',P'-tetrakis(2-chloroethyl) ester (V6), Chemical Abstracts Service number 385051-10-4;

(12) isopropylated triphenyl phosphate (IPTPP), Chemical Abstracts Service number 68637-41-7.

(b) On and after July 1, ~~2019~~ 2020, no retailer may sell or offer for sale or use in this state a children's product ~~or~~<sub>2</sub> upholstered residential furniture, residential textile, or mattress containing in amounts greater than 1,000 parts per million in any product component the flame retardant chemicals listed in paragraph (a).

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

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

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

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

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

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