

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 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.

History: 2015 c 62 s 1