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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1100

02/19/2015 Authored by Howe, Heintzeman, Simonson, Theis, Lillie and others

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

03/26/2015 Adoption of Report: Amended and re-referred to the Committee on Commerce and Regulatory Reform

1.1 A bill for an act
1.2 relating to health; prohibiting the use of certain flame-retardant chemicals in
1.3 certain products; proposing coding for new law in Minnesota Statutes, chapter
1.4 325F.

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

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

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

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

1.10 (c) "Children's product" means a product primarily designed or intended by a
1.11 manufacturer to be used by or for a child, including any article used as a component
1.12 of such a product, but excluding a food, beverage, dietary supplement, pharmaceutical
1.13 product or biologic, children's toys that are subject to the most recent version of
1.14 the American Society for Testing and Materials F963, Standard Consumer Safety
1.15 Specification for Toy Safety, or a medical device as defined in the Federal Food, Drug, and
1.16 Cosmetic Act, United States Code, title 21, section 321(h).

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

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

1.22 Subd. 2. **Flame-retardant chemicals; prohibition.** (a) On and after July 1, 2017,
1.23 no manufacturer or wholesaler may manufacture, sell, offer for sale, distribute for sale,
1.24 or distribute for use in this state a children's product, upholstered residential furniture,

2.1 residential textile, or mattress containing, in amounts greater than 1,000 parts per million
2.2 in any product component, the following flame-retardant chemicals:

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

2.5 (2) TCEP (tris(2-chloroethyl)phosphate), Chemical Abstracts Service number
2.6 115-96-8;

2.7 (3) tetrabromobisphenol A, Chemical Abstracts Service number 79-94-7;

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

2.9 (5) antimony, Chemical Abstracts Service number 7440-36-0;

2.10 (6) hexabromocyclododecane, Chemical Abstracts Service number 25637-99-4;

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

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

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

2.14 (10) tris(1-chloro-2-propyl)phosphate (TCPP), Chemical Abstract Service number
2.15 13674-84-5.

2.16 (b) On and after July 1, 2018, no retailer may sell or offer for sale or use in this
2.17 state a children's product, upholstered residential furniture, residential textile, or mattress
2.18 containing, in amounts greater than 1,000 parts per million in any product component, the
2.19 flame retardant chemicals listed in paragraph (a).

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

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

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

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

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

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

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