

# LEGAL SERVICES

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## MEMORANDUM

April 9, 2012

**SUBJECT:** HCS CSSB 27(L&C) relating to flame retardants  
(Work Order No. 27-LS0300\E)

**TO:** Representative Kurt Olson  
Chair of the House Labor and Commerce Committee  
Attn: Konrad Jackson

**FROM:**  Theresa Bannister  
Legislative Counsel

This memo accompanies the bill described above.

Interstate commerce clause. This bill will apply to products from other states that are sold in this state, so it raises an issue under the federal interstate commerce clause. That clause implicitly denies the state the power to excessively burden the interstate flow of articles of commerce. The restrictions in the bill do not discriminate against out-of-state companies, so, unless current federal law would be interpreted to preempt this particular area, the prohibition will be valid unless the burden it imposes on interstate commerce is clearly excessive in relation to the anticipated local benefits.

If I may be of further assistance, please advise.

TLB:ljw  
12-267.ljw

Enclosure