

31-LS0198\S
Bannister
4/30/19

CS FOR HOUSE BILL NO. 27(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES TARR, Drummond

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the manufacture, sale, and distribution of products containing
2 certain flame retardant chemicals; relating to an interstate chemicals clearinghouse;
3 adding unlawful acts to the Alaska Unfair Trade Practices and Consumer Protection
4 Act; and providing for an effective date."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
7 to read:

8 SHORT TITLE. This Act may be known as the Toxic-Free Firefighters and Children
9 Act.

10 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 FINDINGS. The legislature finds that

13 (1) flame retardant chemicals are not needed to provide fire safety;

14 (2) many flame retardant chemicals commonly contained in furniture are toxic

to humans and animals, accumulate in the human body and in the environment, and persist in the environment for long periods;

(3) the known adverse health effects of certain flame retardant chemicals include reproductive impairment, neurological effects, endocrine disruption, interference with thyroid hormone function, genotoxicity, cancer, and immune disorders;

(4) certain flame retardant chemicals are disproportionately hazardous to the health of children;

(5) firefighters are at a particular risk of harm because of exposure to flame retardant chemicals;

(6) the federal government has failed to adequately regulate the use of flame retardant chemicals to avoid the risks associated with flame retardant chemicals;

(7) in the absence of adequate federal action, other states have taken steps to limit or ban the use of certain flame retardant chemicals; and

(8) this Act takes a first step toward addressing the health problems presented by the use of certain flame retardant chemicals.

* **Sec. 3.** AS 18.31 is amended by adding new sections to read:

Article 5. Flame Retardant Chemicals in Upholstered Furniture and Child-Related Products.

Sec. 18.31.610. Prohibition. (a) A person may not knowingly, in the course of business, manufacture, sell, offer for sale, or distribute for sale in the state a covered product that contains a chemical that retards flame production if the chemical contains

(1) an organohalogenated flame retardant, organophosphorous flame retardant, organonitrogen flame retardant, or nanoscale material-based flame retardant; or

(2) antimony (chemical abstracts service number 7440-36-0).

(b) In this section,

(1) "knowingly" has the meaning given in AS 11.81.900;

(2) "organohalogenated flame retardant" means a chemical compound containing carbon and one or more of the elements fluorine, chlorine, bromine, iodine, or other halogen;

(3) "organonitrogen flame retardant" means a chemical compound

1 containing nitrogen and carbon;

2 (4) "organophosphorous flame retardant" means a chemical compound
3 containing phosphorus and carbon.

4 **Sec. 18.31.620. Exemptions.** AS 18.31.610 does not apply to

5 (1) used or secondhand upholstered furniture unless the used or
6 secondhand upholstered furniture has been reupholstered and has not been sold since
7 the furniture was reupholstered;

8 (2) used or secondhand child-related products;

9 (3) products or components of products for motor vehicles, watercraft,
10 aircraft, and other vehicles; or

11 (4) products that are primarily used outside the home.

12 **Sec. 18.31.630. Civil penalty.** (a) A person who violates AS 18.31.610 is
13 liable to the state for a civil penalty that may not exceed

14 (1) for the first violation, \$500 for each day that the violation
15 continues; or

16 (2) for each violation after the first violation, \$1,000 for each day that
17 the violation continues.

18 (b) Violation of AS 18.31.610 is an unfair trade practice under AS 45.50.471 -
19 45.50.561, and, in addition to the civil penalty under (a) of this section, the remedies
20 under AS 45.50.471 - 45.50.561 are available for the violation, except for the civil
21 penalty under AS 45.50.551(b).

22 **Sec. 18.31.640. Participation in interstate chemicals clearinghouse.** The
23 Department of Environmental Conservation may participate in an interstate chemicals
24 clearinghouse to learn about flame retardant chemicals used in covered products.

25 **Sec. 18.31.650. Definitions.** In AS 18.31.610 - 18.31.650,

26 (1) "child" means a child who is under 12 years of age;

27 (2) "child-related product" means clothing, toys, nursing pillows,
28 furniture, bedding, mattresses, crib mattresses, nap pads and changing pads, or other
29 products used in the home primarily for or by a child or the parent or guardian of a
30 child;

31 (3) "covered product" means

(A) upholstered furniture used in the home; and

(B) a child-related product;

(4) "reupholstered" means replacement of the original fabric, padding, foam, or other soft material;

(5) "upholstered furniture" means beds, bedding, mattresses, boxsprings, and other furniture that is made with fabric, padding, foam, or another soft material.

* **Sec. 4.** AS 45.50.471(b) is amended by adding a new paragraph to read:

(58) violating AS 18.31.610 (flame retardant chemicals in upholstered furniture and child-related products).

* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REVISOR'S INSTRUCTION. Wherever "this chapter" appears in AS 18.31.010 - 18.31.500, the revisor of statutes shall substitute "AS 18.31.010 - 18.31.500."

* **Sec. 6.** AS 18.31.610, 18.31.620, 18.31.630, and 18.31.650, added by sec. 3 of this Act, and AS 45.50.471(b)(58), added by sec. 4 of this Act, take effect January 1, 2020.