

CS FOR HOUSE BILL NO. 27(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 4/6/18

Referred: Labor and Commerce

Sponsor(s): REPRESENTATIVES TARR, LeDoux, Drummond

A BILL

FOR AN ACT ENTITLED

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

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

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

SHORT TITLE. This Act may be known as the Toxic-Free Children's Act.

* **Sec. 2.** AS 18.31 is amended by adding new sections to read:

Article 5. Flame-Inhibiting Chemicals in Child-Related Products.

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

(1) 100 or more parts per million of a nonpolymeric organohalogen flame retardant; or

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

(b) This section does not apply to a consumer product that a person resells or offers for resale.

(c) In this section, "knowingly" has the meaning given in AS 11.81.900.

Sec. 18.31.620. Labeling. A person who manufactures a consumer product that contains a chemical that inhibits flame production and sells, offers for sale, or distributes the product in the state shall place on a label affixed to the product the following statement: "This product contains a chemical flame retardant."

Sec. 18.31.630. Civil penalty. (a) A person who violates AS 18.31.610 or 18.31.620 is liable to the state for a civil penalty that may not exceed

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

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

(b) Violation of AS 18.31.610 or 18.31.620 is an unfair trade practice under AS 45.50.471 - 45.50.561, and, in addition to the civil penalty under (a) of this section, the remedies under AS 45.50.471 - 45.50.561 are available for the violation, except for the civil penalty under AS 45.50.551(b).

Sec. 18.31.640. Participation in interstate chemicals clearinghouse. The Department of Environmental Conservation may participate in an interstate chemicals clearinghouse to learn about flame-inhibiting chemicals used in consumer products.

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

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

(2) "consumer product" means clothing, toys, detachable car seats, nursing pillows, upholstered furniture, bedding, mattresses, crib mattresses, nap pads, and changing pads, or other products used in the home primarily for or by a child or the parents or guardians of a child.

* **Sec. 3.** AS 45.50.471(b) is amended by adding a new paragraph to read:

(58) violating AS 18.31.610 or 18.31.620 (flame-inhibiting chemicals

1 in consumer products).

2 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 REVISOR'S INSTRUCTION. Wherever "this chapter" appears in AS 18.31.010 -
5 18.31.500, the revisor of statutes shall substitute "AS 18.31.010 - 18.31.500."

6 * **Sec. 5.** AS 18.31.610, 18.31.620, 18.31.630, and 18.31.650, added by sec. 2 of this Act,
7 and AS 45.50.471(b)(58), added by sec. 3 of this Act, take effect January 1, 2020.