

HOUSE BILL NO. 27

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE TARR

Introduced: 1/11/19

Referred: Prefiled

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the manufacture, sale, distribution, and labeling of child-related**
2 **products containing certain flame retardant chemicals; relating to an interstate**
3 **chemicals clearinghouse; adding unlawful acts to the Alaska Unfair Trade Practices and**
4 **Consumer Protection 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

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

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

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

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

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

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

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

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

17 **Article 5. Flame Retardant Chemicals in Child-Related Products.**

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

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

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

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

27 (c) In this section,

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

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

1 (3) "organonitrogen flame retardant" means a chemical compound
2 containing nitrogen and carbon;

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

5 **Sec. 18.31.620. Labeling.** A person who manufactures a consumer product and
6 sells, offers for sale, or distributes the consumer product in the state shall place a label
7 on the consumer product that states that the consumer product contains or does not
8 contain a chemical that retards flame production.

9 **Sec. 18.31.630. Civil penalty.** (a) A person who violates AS 18.31.610 or
10 18.31.620 is liable to the state for a civil penalty that may not exceed

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

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

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

19 **Sec. 18.31.640. Participation in interstate chemicals clearinghouse.** The
20 Department of Environmental Conservation may participate in an interstate chemicals
21 clearinghouse to learn about flame retardant chemicals used in consumer products.

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

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

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

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

29 (58) violating AS 18.31.610 or 18.31.620 (flame retardant chemicals in
30 consumer products).

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

1 read:

2 REVISOR'S INSTRUCTION. Wherever "this chapter" appears in AS 18.31.010 -
3 18.31.500, the revisor of statutes shall substitute "AS 18.31.010 - 18.31.500."

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