

House Bill 9

By: Representatives Schofield of the 63rd, Drenner of the 85th, Scott of the 76th, Davis of the 87th, and Jackson of the 68th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 15 of Title 25 of the Official Code of Georgia Annotated, relating to other
2 safety inspections and regulations, so as to prohibit the use of certain chemical flame
3 retardants in certain products; to provide for definitions; to provide for notice; to provide for
4 the restriction of additional chemical flame retardants; to provide for exceptions; to provide
5 for penalties and a limited waiver; to provide for rules and regulations; to provide for a short
6 title; to provide for an effective date; to provide for related matters; to repeal conflicting
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Safer States Act."

11 **SECTION 2.**

12 Chapter 15 of Title 25 of the Official Code of Georgia Annotated, relating to other safety
13 inspections and regulations, is amended by adding a new article to read as follows:

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"ARTICLE 615 25-15-120.16 As used in this article, the term:

17 (1) 'Bedding' means any residential or commercial bedding material, including, but not
18 limited to, a mattress, mattress pad, mattress cover, sheeting, pillow, blanket, comforter,
19 duvet cover, sleeping bag, or any other stuffed item intended to be used for reclining or
20 sleeping.

21 (2) 'Carpeting' means a residential or commercial fabric floor covering, including carpet
22 padding. Such term includes artificial turf when installed on state property.

23 (3) 'Children's product' means a consumer product intended, made, or marketed for use
24 by children up to 12 years old. Such term shall not include:

25 (A) Batteries;

26 (B) Inaccessible components of a consumer product that, during a reasonably
27 foreseeable use and abuse of the children's product, would not come into direct contact
28 with a child's skin or mouth; and

29 (C) Consumer electronic and electrical products, including, but not limited to, personal
30 computers, audio and video equipment, calculators, wireless telephones, game consoles,
31 power cords, electric chargers, and hand-held devices incorporating a video screen used
32 to access interactive software and associated peripherals.

33 (4) 'Covered product' means bedding, carpeting, children's products, residential
34 upholstered furniture, and window treatments.

35 (5) 'Engineered nanoobject' means a material with 1, 2, or 3 external dimensions in the
36 nanoscale.

37 (6) 'Manufacturer' means a person or entity that produces, imports, or distributes covered
38 products.

39 (7) 'Nanoscale' means a size range from approximately 1 nanometer to 100 nanometers.

- 40 (8) 'Office' means the office of Safety Fire Commissioner.
- 41 (9) 'Prohibited chemical flame retardants' means chemicals that are added to materials
- 42 to prevent or slow the spread of fire. Such term means any of the following:
- 43 (A) Tris(1,3-dichloro-2-propyl)phosphate (TDCPP) (Chemical Abstracts Service
- 44 number 13674-87-8);
- 45 (B) Tris(2-chloroethyl)phosphate (TCEP) (Chemical Abstracts Service number
- 46 115-1496-8);
- 47 (C) Antimony trioxide (Chemical Abstracts Service number 1309-64-4);
- 48 (D) Hexabromocyclododecane (HBCD) (Chemical Abstracts Service number
- 49 25637-99-4);
- 50 (E) Bis(2-Ethylhexyl)-3,4,5,6-tetrabromophthalate (TBPH) (Chemical Abstracts
- 51 Service number 26040-51-7);
- 52 (F) 2-Ethylhexyl-2,3,4,5-tetrabromobenzoate (TBB) (Chemical Abstracts Service
- 53 number 183658-27-7);
- 54 (G) Chlorinated paraffins (Chemical Abstracts Service number 85535-84-8);
- 55 (H) Tris(1-chloro-2-propyl) phosphate (TCPP) (Chemical Abstracts Service number
- 56 13674-84-5);
- 57 (I) Pentabromodiphenyl ether (Chemical Abstracts Service number 32534-81-9);
- 58 (J) Octabromodiphenyl ether (Chemical Abstracts Service number 32536-52-0);
- 59 (K) Decabromodiphenyl ether (Chemical Abstracts Service number 1163-19-5);
- 60 (L) Tetrabromobisphenol A (TBBPA) (Chemical Abstracts Service number 79-94-7);
- 61 or
- 62 (M) Any other chemical flame retardants specified by the office pursuant to Code
- 63 Section 25-15-122.
- 64 (10) 'Residential upholstered furniture' means seating or other upholstered products
- 65 intended for indoor or outdoor use in or at a home or other dwelling intended for
- 66 residential occupancy that consists in whole or in part of resilient cushioning materials

67 enclosed within a covering consisting of fabric or other textile. Such term shall not
68 include furniture for which the core functionality depends upon the utilization of electric
69 or electronic components subject to comparable flammability standards of various
70 underwriters' laboratories, including, but not limited to, massage chairs, assisted lift
71 chairs, and home theater seating.

72 (11) 'Retailer' means a person or entity that offers a product for sale at retail through any
73 means, including, but not limited to, remote offerings such as sales outlets, catalogs, or
74 the internet but shall not include a sale that is a wholesale transaction with a distributor
75 or a retailer.

76 (12) 'Window treatment' means residential or commercial curtain materials, blinds, or
77 shades.

78 25-15-121.

79 (a) After January 1, 2026, a manufacturer or retailer shall not sell, offer, or manufacture
80 for sale, distribute in commerce, or import into the state a covered product, except for
81 inventory manufactured prior to January 1, 2026, that contains any prohibited chemical
82 flame retardants or a chemical analogue the total weight of which exceeds 1,000 parts per
83 million for any component part of the covered product.

84 (b) No later than January 1, 2026, a manufacturer of a covered product that contains any
85 prohibited chemical flame retardant in any amount shall provide notice to retailers and
86 other persons that sell such covered product in this state of the presence of such chemical
87 flame retardant.

88 25-15-122.

89 (a) Every three years the office shall review, identify, and recommend other chemical
90 flame retardants that should be prohibited; provided, however, that the office shall
91 demonstrate that the chemical flame retardant is known to:

- 92 (1) Harm the normal development of a fetus or child or cause other developmental
93 toxicity;
94 (2) Cause cancer, genetic damage, or reproductive harm;
95 (3) Disrupt the endocrine system;
96 (4) Damage the nervous system, immune system, or an organ, or cause other systemic
97 toxicity; or
98 (5) Is found to be persistent, bioaccumulative, and toxic.
99 (b) If the office determines that a chemical flame retardant meets the conditions of
100 subsection (a) of this Code section, it shall promulgate rules to restrict the manufacture,
101 sale, distribution in commerce, or importation of any covered product containing the
102 chemical flame retardant within nine months after making such determination.
103 (c) A manufacturer or retailer shall not sell, offer or manufacture for sale, distribute in
104 commerce, or import into the state any covered product, except for inventory manufactured
105 prior to the effective date of the rule, that contains a chemical flame retardant restricted by
106 rule as provided for in subsection (b) of this Code section in a total weight that exceeds
107 1,000 parts per million for any component part of the covered product; provided, however,
108 that, if the chemical flame retardant is an engineered nanoobject, a manufacturer or retailer
109 shall not sell, offer or manufacture for sale, distribute in commerce, or import into the state
110 any covered product, except for inventory manufactured prior to the effective date of the
111 rule, that contains the chemical flame retardant in any amount.

112 25-15-123.

113 This article shall not apply to the sale, purchase, lease, distribution, or use of:

- 114 (1) Any covered product manufactured before January 1, 2026, or any covered product
115 that contains a prohibited chemical flame retardant due to the presence of recycled
116 materials used during the manufacture of the product covered;

- 117 (2) Any previously owned covered product containing a prohibited chemical flame
118 retardant; or
119 (3) Motor vehicles, watercraft, aircraft, all-terrain vehicles, off-highway motorcycles, or
120 any component parts.

121 25-15-124.

122 (a) A manufacturer or retailer that violates Code Section 25-15-121 or subsection (c) of
123 Code Section 25-15-122 shall be subject to the following civil penalties:

124 (1) For the first violation, a fine of not more than \$100.00 per covered product, not to
125 exceed a total of \$5,000.00;

126 (2) For the second violation, a fine of not more than \$250.00 per covered product, not
127 to exceed a total of \$25,000.00; and

128 (3) For the third or subsequent violation, a fine of not more than \$1,000.00 per covered
129 product, not to exceed a total of \$50,000.00.

130 (b) A manufacturer or retailer that knowingly violates Code Section 25-15-121 or
131 subsection (c) of Code Section 25-15-122 shall be subject to a civil penalty equal to three
132 times the amount of the fine imposed for such violation pursuant to subsection (a) of this
133 Code section.

134 (c) A civil penalty imposed pursuant to subsection (a) of this Code section shall be waived
135 by the office if the office determines that a manufacturer or retailer acted in good faith to
136 be in compliance with this article, pursued compliance with due diligence, and promptly
137 corrected any noncompliance after discovery of the violation.

138 (d) For purposes of calculating a penalty under this Code section, a collection of covered
139 products that are sold as a set shall constitute one covered product.

140 25-15-125.

141 The office shall promulgate such rules and regulations necessary to implement this article."

142 **SECTION 3.**

143 This Act shall become effective upon its approval by the Governor or upon its becoming law
144 without such approval.

145 **SECTION 4.**

146 All laws and parts of laws in conflict with this Act are repealed.