

**CS FOR HOUSE BILL NO. 27(RES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

**BY THE HOUSE RESOURCES COMMITTEE**

**Offered: 2/7/20**

**Referred: Labor and Commerce**

**Sponsor(s): REPRESENTATIVES TARR, Drummond, Tuck**

**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

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 Upholstered Furniture and Child-Related**  
18 **Products.**

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

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

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

26 (b) In this section,

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

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

31 (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

- 1 (A) upholstered furniture used in the home; and  
2 (B) a child-related product;
- 3 (4) "reupholstered" means replacement of the original fabric, padding,  
4 foam, or other soft material;
- 5 (5) "upholstered furniture" means beds, bedding, mattresses,  
6 boxsprings, and other furniture that is made with fabric, padding, foam, or another soft  
7 material.

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

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

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

13 REVISOR'S INSTRUCTION. Wherever "this chapter" appears in AS 18.31.010 -  
14 18.31.500, the revisor of statutes shall substitute "AS 18.31.010 - 18.31.500."

15 \* **Sec. 6.** AS 18.31.610, 18.31.620, 18.31.630, and 18.31.650, added by sec. 3 of this Act,  
16 and AS 45.50.471(b)(58), added by sec. 4 of this Act, take effect January 1, 2021.