

**CS FOR SENATE BILL NO. 111(L&C)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 3/16/16

Referred: Judiciary

Sponsor(s): SENATORS WIELECHOWSKI, Olson

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to flame retardants and to the manufacture, distribution, and sale of  
2 products containing flame retardants; making certain acts violations of the Alaska  
3 Unfair Trade Practices and Consumer Protection Act; and providing for an effective  
4 date."

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

6 \* **Section 1.** AS 18.31 is amended by adding new sections to read:

7 **Article 5. Chemicals.**

8 **Sec. 18.31.600. Flame retardant prohibitions.** A person may not, in the  
9 course of business in the state, manufacture, sell, or distribute upholstered furniture or  
10 a children's item if a component of the upholstered furniture or children's item  
11 contains 100 or more parts per million by mass of the following flame retardants:

12 (1) tris(1,3-dichloro-2-propyl)phosphate (TDCPP), chemical abstracts  
13 service number 13674-87-8;

14 (2) tris(2-chloroethyl)phosphate (TCEP), chemical abstracts service

1 number 115-96-8;

2 (3) tetrabromobisphenol A (TBBPA), chemical abstracts service  
3 number 79-94-7;

4 (4) decabromodiphenyl ether, chemical abstracts service number 1163-  
5 19-5;

6 (5) antimony, chemical abstracts service number 7440-36-0;

7 (6) hexabromocyclododecane, chemical abstracts service number  
8 25637-99-4;

9 (7) bis(2-ethylhexyl)-3,4,5,6-tetrabromophthalate (TBPH), chemical  
10 abstracts service number 26040-51-7;

11 (8) 2-ethylhexyl-2,3,4,5-tetrabromobenzoate (TBB), chemical abstracts  
12 service number 183658-27-7;

13 (9) chlorinated paraffins, chemical abstracts service number 85535-84-  
14 8; or

15 (10) tris(1-chloro-2-propyl)phosphate (TCPP), chemical abstracts  
16 service number 13674-84-5.

17 **Sec. 18.31.610. Exemptions.** (a) The prohibitions in AS 18.31.600 do not  
18 apply to a product that a person resells after use if the person

19 (1) does not sell the product on a regular basis and does not engage in  
20 the business of selling that type of product; or

21 (2) is a nonprofit entity that qualifies for an exemption from taxation  
22 under 26 U.S.C. 501(c)(3) (Internal Revenue Code).

23 (b) The provisions of AS 18.31.600 and 18.31.620 do not apply to off-road  
24 motorized vehicles designed to be used primarily by a child. In this subsection, "off-  
25 road motorized vehicle" means a motorized vehicle designed to be used for recreation  
26 off public roads.

27 **Sec. 18.31.620. Labeling.** A person who manufactures a product that is  
28 upholstered furniture or a children's item, that the person sells or distributes in the  
29 state, and that contains a flame retardant shall place on a label affixed to the product  
30 the following statement: "This product contains a chemical flame retardant." In this  
31 section, "flame retardant" means a chemical that is added to a product to inhibit the

1 formation of flames.

2 **Sec. 18.31.630. Violations.** If a person violates AS 18.31.600 - 18.31.690, the  
3 violation is an unfair or deceptive act or practice under AS 45.50.471 - 45.50.561  
4 (Alaska Unfair Trade Practices and Consumer Protection Act).

5 **Sec. 18.31.690. Definitions.** In AS 18.31.600 - 18.31.690, unless the context  
6 indicates otherwise,

7 (1) "children's item" means clothing, a toy, a detachable car seat, a  
8 nursing pillow, a crib mattress, a nap pad, a changing pad, or another product that is  
9 used primarily for or by a child;

10 (2) "distribute" means selling a product on a wholesale basis to a  
11 retailer; in this paragraph, "retailer" means a person who sells a product other than for  
12 resale and who did not manufacture or distribute the product;

13 (3) "manufacture" means

14 (A) making a product; or

15 (B) importing or distributing a product in the United States if  
16 the person who manufactured or assembled the product or whose brand name  
17 is affixed to the product does not do business in the United States;

18 (4) "sell" includes an offer to sell;

19 (5) "upholstered furniture" means furniture that contains filling  
20 material and is used or intended to be used for sitting, resting, or reclining.

21 \* **Sec. 2.** AS 45.50.471(b) is amended by adding a new paragraph to read:

22 (58) violating AS 18.31.600 - 18.31.690 (flame retardants).

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

25 REVISOR'S INSTRUCTION. Wherever "this chapter" appears in AS 18.31.010 -  
26 18.31.500, the revisor of statutes shall substitute "AS 18.31.010 - 18.31.500."

27 \* **Sec. 4.** This Act takes effect July 1, 2017.