



General Assembly

**Substitute Bill No. 255**

February Session, 2022



**AN ACT CONCERNING FLAME RETARDANTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2022*) (a) As used in this section:

2 (1) "Children's product" means a product, or article used as a  
3 component of a product, designed or intended primarily for use by or  
4 for children twelve years of age or younger, including, but not limited  
5 to, clothing, toys, nursing pillows, crib mattresses, changing pads and  
6 strollers. "Children's product" shall not include food, beverages, dietary  
7 supplements, pharmaceutical products, biologics, consumer electronics,  
8 off-highway motorcycles, all-terrain vehicles, children's toys that  
9 contain electronic components or are subject to the most recent version  
10 of the American Society for Testing and Materials F963, Standard  
11 Consumer Safety Specification for Toy Safety, devices as defined by the  
12 federal Food, Drug and Cosmetic Act, 21 USC 321(h) or products, such  
13 as infant and child car seats, governed by federal motor vehicle  
14 standards contained in 49 CFR 571.213 and 49 CFR 571.302, as amended  
15 from time to time;

16 (2) "Consumer product" means upholstered furniture or any article,  
17 except a children's product or a mattress, used primarily for personal,  
18 family or household purposes;

19 (3) "Flame retardant chemical" means any chemical or chemical  
20 compound for which a functional use is to resist or inhibit the spread of  
21 fire. "Flame retardant chemical" includes, but is not limited to,  
22 halogenated, phosphorous-based, nitrogen-based and nanoscale flame  
23 retardants, and any chemical or chemical compound for which "flame  
24 retardant" appears on the substance safety data sheet pursuant to 29  
25 CFR 1910.1200(g), as amended from time to time; and

26 (4) "Added flame retardant chemical" means a flame retardant  
27 chemical that is present in any children's product or consumer product  
28 at levels above one thousand parts per million.

29 (b) On and after January 1, 2023, a manufacturer of a consumer  
30 product intended for sale or use in the state shall include a label on such  
31 consumer product that (1) is clearly visible to the consumer prior to  
32 purchase, and (2) indicates whether or not the product contains any  
33 added flame retardant chemical by including the following flame  
34 retardant chemical statement:

35 "The materials in this product:

36 \_\_\_contain an added flame retardant chemical

37 \_\_\_contain NO added flame retardant chemicals

38 The State of Connecticut has determined that the fire safety  
39 requirements for this product can be met without adding flame  
40 retardant chemicals. The state has identified many flame retardant  
41 chemicals as being known to, or strongly suspected of, adversely  
42 impacting human health or development."

43 A manufacturer of consumer products shall indicate the absence or  
44 presence of an added flame retardant chemical by placing an "X" in the  
45 appropriate blank of such flame retardant chemical statement.

46 (c) On and after January 1, 2023, no wholesale or retail business or  
47 manufacturer of a children's product may knowingly sell, offer for sale

48 or distribute for use in this state any children's product that contains any  
49 added flame retardant chemical. The provisions of this subsection shall  
50 not apply to an individual who, for personal, family or household  
51 purposes, uses, offers for resale, resells or distributes children's  
52 products.

53 (d) The Department of Consumer Protection shall enforce the  
54 provisions of this section. The Commissioner of Consumer Protection  
55 shall adopt regulations, in accordance with chapter 54 of the general  
56 statutes, to implement the provisions of this section. The regulations  
57 shall establish minimum penalties for a manufacturer's failure to  
58 comply with such provisions.

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| This act shall take effect as follows and shall amend the following sections: |                 |             |
| Section 1   | October 1, 2022 | New section |

**PH**            *Joint Favorable Subst.*