

REFERENCE TITLE: products; furniture; paint; prohibited chemicals

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

SB 1280

Introduced by
Senators Mendez: Dalessandro, Gonzales, Peshlakai, Quezada; Representative
Salman

AN ACT

AMENDING TITLE 36, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 36-607; RELATING TO PUBLIC HEALTH.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 6, article 1, Arizona Revised
3 Statutes, is amended by adding section 36-607, to read:

4 36-607. Children's products: upholstered residential
5 furniture; paint; prohibited chemicals; definitions

6 A. A PERSON MAY NOT MANUFACTURE, SELL, OFFER FOR SALE OR DISTRIBUTE
7 FOR USE IN THIS STATE A CHILDREN'S PRODUCT OR UPHOLSTERED RESIDENTIAL
8 FURNITURE CONTAINING, IN AMOUNTS GREATER THAN ONE THOUSAND PARTS PER
9 MILLION IN ANY PRODUCT COMPONENT, ANY OF THE FOLLOWING FLAME-RETARDANT
10 CHEMICALS:

- 11 1. TDCPP (TRIS(1,3-DICHLORO-2-PROPYL)PHOSPHATE).
- 12 2. DECABROMODIPHENYL ETHER.
- 13 3. HEXABROMOCYCLODODECANE.
- 14 4. TCEP (TRIS(2-CHLOROETHYL)PHOSPHATE).

15 B. THIS SECTION DOES NOT APPLY TO THE SALE OR OFFER FOR SALE OF ANY
16 PREVIOUSLY OWNED PRODUCT CONTAINING A CHEMICAL RESTRICTED UNDER THIS
17 SECTION.

18 C. A MANUFACTURER MAY NOT REPLACE A CHEMICAL WHOSE USE IS
19 PROHIBITED UNDER THIS SECTION WITH A CHEMICAL IDENTIFIED ON THE BASIS OF
20 CREDIBLE SCIENTIFIC EVIDENCE BY A STATE, FEDERAL OR INTERNATIONAL AGENCY
21 AS BEING KNOWN OR SUSPECTED WITH A HIGH DEGREE OF PROBABILITY TO:

- 22 1. HARM THE NORMAL DEVELOPMENT OF A FETUS OR CHILD OR CAUSE OTHER
23 DEVELOPMENTAL TOXICITY.
- 24 2. CAUSE CANCER, GENETIC DAMAGE OR REPRODUCTIVE HARM.
- 25 3. DISRUPT THE ENDOCRINE OR HORMONE SYSTEM.
- 26 4. DAMAGE THE NERVOUS SYSTEM, THE IMMUNE SYSTEM OR ORGANS OR CAUSE
27 OTHER SYSTEMIC TOXICITY.

28 D. A PERSON MAY NOT MANUFACTURE, SELL, OFFER FOR SALE OR DISTRIBUTE
29 COMMERCIAL PAINT OR COATING REMOVAL THAT CONTAINS METHYLENE CHLORIDE.

30 E. FOR THE PURPOSES OF THIS SECTION:

- 31 1. "CHILD" MEANS A PERSON WHO IS UNDER TWELVE YEARS OF AGE.
- 32 2. "CHILDREN'S PRODUCT" MEANS A PRODUCT PRIMARILY DESIGNED OR
33 INTENDED BY A MANUFACTURER TO BE USED BY OR FOR A CHILD, INCLUDING ANY
34 ARTICLE USED AS A COMPONENT OF SUCH A PRODUCT, BUT EXCLUDING A FOOD,
35 BEVERAGE, DIETARY SUPPLEMENT, PHARMACEUTICAL PRODUCT OR BIOLOGIC,
36 CHILDREN'S TOY THAT IS SUBJECT TO THE MOST RECENT VERSION OF THE ASTM
37 F963, STANDARD CONSUMER SAFETY SPECIFICATION FOR TOY SAFETY, AND MEDICAL
38 DEVICE AS DEFINED IN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT (21 UNITED
39 STATES CODE SECTION 321(h)).

40 3. "UPHOLSTERED RESIDENTIAL FURNITURE" MEANS FURNITURE WITH
41 PADDING, COVERINGS AND CUSHIONS INTENDED AND SOLD FOR USE IN THE HOME OR
42 PLACES OF LODGING.