

Senate File 2161 - Introduced

SENATE FILE 2161

BY BOLKCOM

A BILL FOR

1 An Act relating to the use of certain chemicals in children's
2 products, providing civil penalties, and including effective
3 date provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 135.191 Definitions.

2 For purposes of this division, unless the context otherwise
3 requires:

4 1. "Child" means a person under eighteen years of age.

5 2. "Children's product" means a product primarily designed
6 or intended by a manufacturer to be physically applied to or
7 introduced into a child's body, including any article used as
8 a component of such product. "Children's product" does not
9 include a food, beverage, dietary supplement, pharmaceutical
10 product or biologic product, children's toy that is covered
11 by the ASTM (American society for testing and materials)
12 international standard F963 for toy safety, or medical device
13 as defined in the federal Food, Drug, and Cosmetic Act, 21
14 U.S.C. §321(h).

15 Sec. 2. NEW SECTION. 135.192 Use of certain chemicals in
16 children's products — prohibition.

17 1. Beginning January 1, 2015, a manufacturer or wholesaler
18 shall not sell or offer to sell in this state a children's
19 product that intentionally contains any of the following:

20 a. Formaldehyde, including formaldehyde contained in a
21 solution.

22 b. Ingredients that chemically degrade under normal
23 conditions of temperature and pressure resulting in a release
24 of formaldehyde.

25 2. Beginning January 1, 2016, a retailer shall not sell
26 or offer to sell in this state a children's product that
27 intentionally contains any of the following:

28 a. Formaldehyde, including formaldehyde contained in a
29 solution.

30 b. Ingredients that chemically degrade under normal
31 conditions of temperature and pressure resulting in a release
32 of formaldehyde.

33 Sec. 3. NEW SECTION. 135.193 Replacement chemicals.

34 A manufacturer shall not replace a chemical whose use is
35 prohibited in section 135.192 with a chemical known to the

1 manufacturer to have been identified on the basis of credible
2 scientific evidence by a state, federal, or international
3 agency as being known or suspected with a high degree of
4 probability to do any of the following:

5 1. Harm the normal development of a fetus or child or cause
6 other developmental toxicity.

7 2. Cause cancer, genetic damage, or reproductive harm.

8 3. Disrupt the endocrine or hormone system.

9 4. Damage the nervous system, immune system, or organs, or
10 cause other systemic toxicity.

11 Sec. 4. NEW SECTION. 135.194 Civil penalty.

12 A person who violates a provision of this division is subject
13 to a civil penalty of five hundred dollars for each violation.

14 Sec. 5. EFFECTIVE DATE. This Act takes effect January 1,
15 2015.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill relates to the use of certain chemicals in
20 children's products.

21 The bill, beginning January 1, 2015, prohibits a
22 manufacturer or wholesaler from selling or offering for sale
23 in this state a children's product that intentionally contains
24 formaldehyde or ingredients that chemically degrade under
25 normal conditions of temperature and pressure to release
26 formaldehyde. The bill, beginning January 1, 2016, prohibits
27 a retailer from selling or offering for sale in this state a
28 children's product that intentionally contains formaldehyde or
29 ingredients that chemically degrade under normal conditions of
30 temperature and pressure to release formaldehyde. The bill
31 prohibits a manufacturer from replacing a chemical prohibited
32 by the provisions of the bill with a chemical known to the
33 manufacturer to have been identified as causing certain
34 enumerated types of biological harm. The bill provides that a
35 person who violates the provisions of the bill is subject to a

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1 civil penalty of \$500 for each violation.

2 The bill takes effect January 1, 2015.