

House File 2063 - Introduced

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BY ISENHART

A BILL FOR

1 An Act prohibiting the use, manufacture, distribution, and
2 sale of consumer products containing certain chemicals,
3 making penalties applicable, and including effective date
4 provisions.

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

1 Section 1. NEW SECTION. 455F.12 Upholstered furniture —
2 flame retardant chemicals.

3 1. As used in this section, unless the context otherwise
4 requires:

5 a. "*Flame-retardant chemical*" means a chemical or chemical
6 compound for which a functional use is to resist or inhibit
7 the spread of fire. "*Flame-retardant chemical*" includes
8 halogenated, phosphorus-based, nitrogen-based, and nanoscale
9 flame retardants and any chemical or chemical compound for
10 which "flame retardant" appears on the substance safety data
11 sheet required under 29 C.F.R. §1910.1200(g).

12 b. "*Upholstered furniture*" means residential furniture
13 intended for indoor use in a home or dwelling unit and
14 consisting in whole or in part of resilient cushioning
15 materials enclosed within a covering that consists of fabric or
16 related materials.

17 2. Except as otherwise provided, a person shall not sell
18 or offer to sell or distribute for promotional purposes
19 upholstered furniture containing in its fabric or other
20 covering or in its cushioning materials more than one-tenth
21 of one percent of a flame-retardant chemical or more
22 than one-tenth of one percent of a mixture that includes
23 flame-retardant chemicals.

24 3. Subsection 2 does not apply to the following upholstered
25 furniture products containing flame-retardant chemicals:

26 a. Used upholstered furniture.

27 b. Upholstered furniture purchased for public use in public
28 facilities, including schools, jails, and hospitals, that meets
29 generally accepted flammability standards for seating furniture
30 used in public occupancies.

31 c. New upholstered furniture otherwise subject to
32 subsection 2 that is sold, offered for sale, or distributed for
33 promotional purposes in the state by a retailer or wholesaler
34 on or after January 1, 2023, and that was imported into the
35 state or otherwise purchased or acquired by the retailer or

1 wholesaler for sale or distribution in the state prior to
2 January 1, 2023.

3 Sec. 2. NEW SECTION. 455F.13 Food packaging — fire
4 fighting foam — fire fighting personal protective equipment —
5 perfluoroalkyl or polyfluoroalkyl substances.

6 1. As used in this section, unless the context otherwise
7 requires:

8 a. "*Class B fire fighting foam*" means foam designed to
9 extinguish flammable-liquid fires.

10 b. "*Fire fighting personal protective equipment*" means
11 any clothing designed, intended, or marketed to be worn by
12 fire fighting personnel in the performance of their duties
13 during fire and rescue activities, including but not limited
14 to jackets, pants, shoes, gloves, helmets, and respiratory
15 equipment.

16 c. "*Food packaging*" means a package, including a unit
17 package, intermediate package, or shipping container, or
18 a packaging component, including any interior or exterior
19 blocking, bracing, cushioning, weatherproofing, exterior
20 strapping, coating, closure, ink, or label, that is intended
21 for the marketing, protection, or handling of a product
22 intended for food contact or used to store food for sale.

23 d. "*Perfluoroalkyl substance*" or "*polyfluoroalkyl substance*"
24 means a class of fluorinated organic chemicals containing at
25 least one fully fluorinated carbon atom.

26 2. Except as otherwise provided, a person shall not
27 knowingly manufacture, sell, offer for sale, distribute for
28 sale, or distribute for use in this state food packaging,
29 class B fire fighting foam, or fire fighting personal
30 protective equipment to which a perfluoroalkyl substance or
31 polyfluoroalkyl substance has been intentionally added in any
32 amount.

33 3. Subsection 2 does not apply to new food packaging, class
34 B fire fighting foam, or fire fighting personal protective
35 equipment that is sold, offered for sale, or distributed for

1 promotional purposes in the state by a retailer or wholesaler
2 on or after January 1, 2023, that was imported into the
3 state or otherwise purchased or acquired by the retailer or
4 wholesaler for sale or distribution in the state prior to
5 January 1, 2023.

6 Sec. 3. NEW SECTION. 455F.14 Class B fire fighting foam —
7 prohibition — exceptions.

8 1. For purposes of this section, unless the context
9 otherwise requires:

10 a. "*Class B fire fighting foam*" means the same as defined
11 in section 455F.13.

12 b. "*Local government*" means a county, city, township, fire
13 district, or other special purpose district that provides fire
14 fighting services.

15 c. "*Perfluoroalkyl substance*" or "*polyfluoroalkyl substance*"
16 means the same as defined in section 455F.13.

17 d. "*Terminal*" means a fuel storage and distribution facility
18 that has been assigned a terminal control number by the federal
19 internal revenue service.

20 2. Except as otherwise provided, a person, local
21 government, or state agency shall not discharge or otherwise
22 use for training purposes a class B fire fighting foam that
23 contains a perfluoroalkyl substance or polyfluoroalkyl
24 substance that was intentionally added.

25 3. Subsection 2 does not apply to the use, manufacture,
26 sale, or distribution of a class B fire fighting foam that
27 includes a perfluoroalkyl substance or polyfluoroalkyl
28 substance that was intentionally added when the inclusion of
29 the perfluoroalkyl substance or polyfluoroalkyl substance
30 is required by federal law. If an applicable federal law
31 allows the use of an alternative fire fighting agent that does
32 not contain a perfluoroalkyl substance or polyfluoroalkyl
33 substance, the department of public health may adopt rules
34 that restrict the use, manufacture, sale, and distribution of
35 class B fire fighting foam for uses that are addressed by the

1 applicable federal law.

2 4. Subsection 2 does not apply to the use, manufacture,
3 sale, or distribution of a class B fire fighting foam that
4 includes a perfluoroalkyl substance or polyfluoroalkyl
5 substance that was intentionally added when the class B fire
6 fighting foam is used by a person operating a terminal.

7 Sec. 4. PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES
8 ALTERNATIVES STUDY. The department of public health shall
9 conduct a one-year study of alternatives to perfluoroalkyl
10 and polyfluoroalkyl substances in food packaging. The
11 department shall assess the prevalence of perfluoroalkyl and
12 polyfluoroalkyl substances in food packaging and determine
13 the risks posed to consumers in the state. The department
14 shall identify safe alternative food packaging materials.
15 The department shall submit a report to the general assembly
16 detailing its findings and recommendations by December 31,
17 2023.

18 Sec. 5. EFFECTIVE DATE. The following take effect January
19 1, 2023:

20 The sections of this Act enacting sections 455F.12, 455F.13,
21 and 455F.14.

22 EXPLANATION

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

25 This bill relates to certain consumer products that contain
26 certain chemicals.

27 The bill prohibits the sale of upholstered furniture that
28 contains flame-retardant chemicals or chemical compounds. The
29 bill makes exceptions for used upholstered furniture, certain
30 upholstered furniture purchased for public use in public
31 facilities, and new upholstered furniture that is otherwise
32 subject to the prohibition but was imported into the state or
33 otherwise purchased or acquired by a retailer or wholesaler for
34 sale or distribution in the state prior to January 1, 2023.

35 The bill prohibits the sale of food packaging, class B fire

1 fighting foam, and fire fighting personal protective equipment
2 that contains a perfluoroalkyl or polyfluoroalkyl substance
3 that was intentionally added. The bill makes an exception
4 for new food packaging, class B fire fighting foam, and fire
5 fighting personal protective equipment that is otherwise
6 subject to the prohibition but was imported into the state or
7 otherwise purchased or acquired by a retailer or wholesaler for
8 sale or distribution in the state prior to January 1, 2023.

9 The bill also prohibits a person, local government,
10 or state agency from discharging or otherwise using for
11 training purposes a class B fire fighting foam that contains
12 a perfluoroalkyl or polyfluoroalkyl substance that was
13 intentionally added, with certain exceptions.

14 A violation of the provisions in the bill regulating
15 products is a simple misdemeanor. A simple misdemeanor is
16 punishable by confinement for no more than 30 days or a fine
17 of at least \$105 but not more than \$855 or by both. These
18 provisions take effect January 1, 2023.

19 The bill requires the department of public health to
20 conduct a one-year study investigating perfluoroalkyl and
21 polyfluoroalkyl substances in food packaging and finding safe
22 alternative food packaging materials. The department shall
23 submit a report of its findings and recommendations to the
24 general assembly by December 31, 2023.