

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 182

H.P. 138

House of Representatives, January 24, 2017

**An Act To Protect Firefighters by Establishing a Prohibition on the
Sale and Distribution of New Upholstered Furniture Containing
Certain Flame-retardant Chemicals**

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative KUMIEGA of Deer Isle.
Cosponsored by Representative DEVIN of Newcastle, Senator BREEN of Cumberland and
Representatives: BERRY of Bowdoinham, BLUME of York, PIERCE of Dresden,
RYKERSON of Kittery, SPEAR of South Thomaston, THERIAULT of China, ZEIGLER of
Montville, Senator: BELLOWS of Kennebec.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 38 MRSA §1609-A** is enacted to read:

3 **§1609-A. Residential upholstered furniture**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Flame-retardant chemical" means a chemical or chemical compound for which a
7 functional use is to resist or inhibit the spread of fire. "Flame-retardant chemical"
8 includes, but is not limited to, halogenated, phosphorus-based, nitrogen-based and
9 nanoscale flame retardants and any chemical or chemical compound for which "flame
10 retardant" appears on the substance safety data sheet required under 29 Code of
11 Federal Regulations, Section 1910.1200(g) (2015).

12 B. "Upholstered furniture" means residential seating products intended for indoor use
13 in a home or other dwelling intended for residential occupancy that consist in whole
14 or in part of resilient cushioning materials enclosed within a covering consisting of
15 fabric or related materials.

16 **2. Sales prohibition.** Except as otherwise provided in section 1609, subsection 4,
17 effective January 1, 2018, a person may not sell or offer to sell or distribute for
18 promotional purposes upholstered furniture containing more than 0.1% of a flame-
19 retardant chemical or containing more than 0.1% of a mixture that includes flame-
20 retardant chemicals.

21 **3. Exemptions.** The restrictions in subsection 2 do not apply to the following
22 upholstered furniture products containing flame-retardant chemicals:

23 A. Used upholstered furniture; and

24 B. Upholstered furniture purchased for public use in public facilities, including, but
25 not limited to, schools, jails and hospitals, that is required by the State of California
26 to meet the flammability standard in California Department of Consumer Affairs,
27 Bureau of Home Furnishings and Thermal Insulation Technical Bulletin 133,
28 "Flammability Test Procedure for Seating Furniture for Use in Public Occupancies,"
29 dated January 1991.

30 **4. Rulemaking.** The department shall adopt rules to implement this section,
31 including, but not limited to, rules identifying the types of products that are seating
32 products. Rules adopted pursuant to this subsection are routine technical rules as defined
33 in Title 5, chapter 375, subchapter 2-A.

34 **SUMMARY**

35 This bill prohibits a person from selling or offering for sale or distributing for
36 promotional purposes new upholstered furniture containing more than 0.1% of a flame-
37 retardant chemical or containing more than 0.1% of a mixture that includes flame-
38 retardant chemicals.