# MAINE STATE LEGISLATURE

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## 130th MAINE LEGISLATURE

## **FIRST SPECIAL SESSION-2021**

**Legislative Document** 

No. 1662

H.P. 1233

House of Representatives, May 5, 2021

An Act To Update Maine's Sales Prohibition on Upholstered **Furniture Treated with Flame-retardant Chemicals** 

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Received by the Clerk of the House on May 3, 2021. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

> ROBERT B. HUNT Clerk

R(+ B. Hunt

Presented by Representative DILLINGHAM of Oxford.

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

- **Sec. 1. 38 MRSA §1609-A, sub-§2,** as enacted by PL 2017, c. 311, §1, is amended to read:
- **2. Sales prohibition** <u>beginning January 1, 2019</u>. Except as otherwise provided in section 1609, subsection 4, beginning January 1, 2019, <u>and prior to January 1, 2022</u>, a person may not sell or offer to sell or distribute for promotional purposes upholstered furniture containing in its fabric or other covering or in its cushioning materials more than 0.1% of a flame-retardant chemical or more than 0.1% of a mixture that includes flame-retardant chemicals.

#### Sec. 2. 38 MRSA §1609-A, sub-§2-A is enacted to read:

- **2-A.** Sales prohibition beginning January 1, 2022. Except as otherwise provided in section 1609, subsection 4, beginning January 1, 2022, a person, including a manufacturer, may not sell or offer to sell or distribute for promotional purposes in commerce in the State upholstered furniture that fails to meet the requirements established for upholstered furniture in the California Business and Professions Code, Division 8, Chapter 3, Article 5.5.
- **Sec. 3. 38 MRSA §1609-A, sub-§4,** as enacted by PL 2017, c. 311, §1, is amended to read:
- **4. Rulemaking.** The department shall may adopt rules as necessary to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

22 SUMMARY

This bill amends the law restricting the sale of residential upholstered furniture treated with flame-retardant chemicals to align Maine's requirements with standards enacted in California. The bill also specifies that the Department of Environmental Protection is authorized, rather than required, to adopt rules to implement the section of law governing residential upholstered furniture.