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An Act To Protect Firefighters by Prohibiting the Sale and Distribution of New Upholstered Furniture Containing Certain Flame-retardant Chemicals

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

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

§ 1609-A. Residential upholstered furniture

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

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

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

2. Sales prohibition. Except as otherwise provided in section 1609, subsection 4, effective January 1, 2017, a person may not sell or offer to sell or distribute for promotional purposes upholstered furniture containing more than 0.1% of a flame-retardant chemical or containing more than 0.1% of a mixture that includes flame-retardant chemicals.

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

A. Used upholstered furniture; and

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

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

SUMMARY

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