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

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 beginning January 1, 2019. Except as otherwise provided in section 1609, subsection 4, beginning January 1, 2019, and prior to January 1, 2020, 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, 2020. Except as otherwise provided in section 1609, subsection 4, beginning January 1, 2020, 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.

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 recently 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.