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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.

A handwritten signature in black ink that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DILLINGHAM of Oxford.

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

2 **Sec. 1. 38 MRSA §1609-A, sub-§2**, as enacted by PL 2017, c. 311, §1, is amended
3 to read:

4 **2. Sales prohibition beginning January 1, 2019**. Except as otherwise provided in
5 section 1609, subsection 4, beginning January 1, 2019, and prior to January 1, 2022, a
6 person may not sell or offer to sell or distribute for promotional purposes upholstered
7 furniture containing in its fabric or other covering or in its cushioning materials more than
8 0.1% of a flame-retardant chemical or more than 0.1% of a mixture that includes flame-
9 retardant chemicals.

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

11 **2-A. Sales prohibition beginning January 1, 2022.** Except as otherwise provided in
12 section 1609, subsection 4, beginning January 1, 2022, a person, including a manufacturer,
13 may not sell or offer to sell or distribute for promotional purposes in commerce in the State
14 upholstered furniture that fails to meet the requirements established for upholstered
15 furniture in the California Business and Professions Code, Division 8, Chapter 3, Article
16 5.5.

17 **Sec. 3. 38 MRSA §1609-A, sub-§4**, as enacted by PL 2017, c. 311, §1, is amended
18 to read:

19 **4. Rulemaking.** The department ~~shall~~ may adopt rules as necessary to implement this
20 section. Rules adopted pursuant to this subsection are routine technical rules as defined in
21 Title 5, chapter 375, subchapter 2-A.

22 **SUMMARY**

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