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Legislative Document

No. 1786

H.P. 1271

House of Representatives, May 28, 2019

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

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.
Reference to the Committee on Environment and Natural Resources suggested and ordered
printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative FAY of Raymond.

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
3 amended 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, 2020, 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, 2020.** Except as otherwise provided
12 in section 1609, subsection 4, beginning January 1, 2020, a person, including a
13 manufacturer, may not sell or offer to sell or distribute for promotional purposes in
14 commerce in the State upholstered furniture that fails to meet the requirements
15 established for upholstered furniture in the California Business and Professions Code,
16 Division 8, Chapter 3, Article 5.5.

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

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

22 **SUMMARY**

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