

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 1233 - L.D. 1662

**An Act Regarding 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-§3, ¶B, as enacted by PL 2017, c. 311, §1, is amended to read:

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; ~~and~~

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

C. New upholstered furniture otherwise subject to the prohibition in subsection 2 that is sold, offered for sale or distributed for promotional purposes in the State by a retailer or wholesaler on or after January 1, 2019 and that was imported into the State or otherwise purchased or acquired by the retailer or wholesaler for sale or distribution in the State prior to January 1, 2019; ~~and~~

Sec. 3. 38 MRSA §1609-A, sub-§3, ¶D is enacted to read:

D. Electronic components and associated electronic component casings of upholstered furniture that is subject to the prohibition in subsection 2.

Sec. 4. 38 MRSA §1609-A, sub-§3-A is enacted to read:

3-A. Retailer indemnification. If upholstered furniture delivered to a retailer in the State by the manufacturer of the upholstered furniture is subsequently determined to contain flame-retardant chemicals such that it is prohibited from sale or distribution in the State under subsection 2, the retailer is entitled to a full refund from the manufacturer with respect to that upholstered furniture, including shipping and other related costs.