

A-Engrossed
House Bill 3055

Ordered by the House April 16
Including House Amendments dated April 16

Sponsored by Representatives HELT, POWER; Representatives CLEM, HELM, KENY-GUYER, LIVELY, MEEK, NERON, SOLLMAN, WILLIAMS, ZIKA

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Prohibits sale of mattress or children's product that incorporates or bears [*specified chemicals unless person affixes or attaches warning to mattress or children's product*] **fire-retardant chemical in concentrations of more than one-tenth of one percent by mass. Defines "fire-retardant chemical."** Punishes violation with civil penalty of \$1,000 for first violation and \$2,500 for each subsequent violation.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to fire-retardant chemicals in certain consumer products; and prescribing an effective date.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a)(A) "Children's product" means a consumer product that is designed or intended for
6 the care of or use by a child under 12 years of age.

7 (B) "Children's product" does not include:

8 (i) A medication, drug, food or other product that is intended to be ingested; or

9 (ii) A crib, as defined in ORS 646A.504.

10 (b) "Fire-retardant chemical" means:

11 (A) (Tris(2-chloroethyl) phosphate); or

12 (B) (Tris(1,3-dichloro-2-propyl)phosphate).

13 (2) A retailer may not sell or offer for sale in this state a mattress or children's product
14 that incorporates or bears a fire-retardant chemical in concentrations of more than one-
15 tenth of one percent by mass.

16 (3)(a) The Director of the Oregon Health Authority may impose a civil penalty for a vio-
17 lation of subsection (2) of this section as follows:

18 (A) \$1,000 for a first violation.

19 (B) \$2,500 for each subsequent violation.

20 (b) In addition to imposing a civil penalty under paragraph (a) of this subsection, the di-
21 rector may petition a circuit court of this state for an injunction restraining any further
22 violations of subsection (2) of this section.

23 (c) The director shall impose a civil penalty under this section in accordance with ORS
24 183.745.

25 **SECTION 2. Section 1 of this 2019 Act applies to a sale of a mattress or children's prod-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **uct that occurs on or after the operative date specified in section 3 of this 2019 Act.**

2 **SECTION 3. (1) Section 1 of this 2019 Act becomes operative January 1, 2020.**

3 **(2) The Director of the Oregon Health Authority may adopt rules and take any other**
4 **action before the operative date specified in subsection (1) of this section that is necessary**
5 **to enable the director, on and after the operative date specified in subsection (1) of this**
6 **section, to exercise or undertake all of the duties, functions and powers conferred on the**
7 **director by section 1 of this 2019 Act.**

8 **SECTION 4. This 2019 Act takes effect on the 91st day after the date on which the 2019**
9 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

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