

# House Bill 3055

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 **as introduced**.

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. 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

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

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

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

**(a)(A) "Children's product" means a consumer product that is designed or intended:**

**(i) For the care of or use by a child under 12 years of age; or**

**(ii) To come into contact with a child under 12 years of age at the time the product is used.**

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

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

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

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

**(A) (Tris(2-chloroethyl) phosphate);**

**(B) (Tris(1,3-dichloro-2-propyl)phosphate); or**

**(C) Another chemical within the class of chemicals classed as polybrominated diphenyl ethers that is used for the purpose of reducing the flammability of fabrics, foams or other components of mattresses or children's products and that the Oregon Health Authority determines by rule poses an unacceptable risk to the health of consumers in this state.**

**(c) "Visible and conspicuous" means designed to attract attention and in a typeface, color or design that differs from surrounding text and is:**

**(A) In at least a 12-point typeface or a typeface that is as large or larger than the typeface used for surrounding text; or**

**(B) In a typeface that is as large as is practicable for a visible warning, if a children's product to which a person affixes or attaches a warning is too small to accommodate the warning in a 12-point typeface.**

**(2)(a) Except as provided in paragraph (b) of this subsection, a retailer may not sell or offer for sale in this state a mattress or children's product that incorporates or bears a fire-retardant chemical in concentrations of more than one-tenth of one percent by mass.**

**(b) A person may sell an item described in paragraph (a) of this subsection if the person affixes or attaches to the item a visible and conspicuous written warning in substantially this**

**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 **form:**  
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5 **Studies have linked some of the chemicals incorporated into this product to thyroid dis-**  
6 **ruptions, memory and learning problems, delayed mental and physical development, advanced**  
7 **puberty, reduced fertility and other potential health risks.**  
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11 **(3)(a) The Director of the Oregon Health Authority may impose a civil penalty for a vio-**  
12 **lation of subsection (2) of this section as follows:**

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

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

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

18 **(c) The director shall impose a civil penalty under this section in accordance with ORS**  
19 **183.745.**

20 **SECTION 2. Section 1 of this 2019 Act applies to a sale of a mattress or children’s prod-**  
21 **uct that occurs on or after the operative date specified in section 3 of this 2019 Act.**

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

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

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