

Senate Bill 712

Sponsored by Senator LINTHICUM (Pre-session filed.)

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**.

Adds vaccines to definition of "children's product" for purposes of Toxic-Free Kids Act.

A BILL FOR AN ACT

Relating to chemicals in children's products; creating new provisions; and amending ORS 431A.253.

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

SECTION 1. ORS 431A.253 is amended to read:

431A.253. As used in ORS 431A.253 to 431A.280:

(1) "Chemical" means:

(a) A substance with a distinct molecular composition and the breakdown products of the substance that form through decomposition, degradation or metabolism.

(b) A group of structurally related substances and the breakdown products of the substances that form through decomposition, degradation or metabolism.

(2)(a) "Children's cosmetics" means products that are intended to be rubbed, poured, sprinkled or sprayed on, introduced into or otherwise applied to the human body or any part thereof for cleansing, moisturizing, beautifying, promoting attractiveness or altering the appearance.

(b) "Children's cosmetics" does not mean soap, dietary supplements or food and drugs approved by the United States Food and Drug Administration.

(3)(a) "Children's product" means:

(A) Any of the following products that are made for, marketed for use by or marketed to children under 12 years of age:

(i) A product designed or intended by the manufacturer to facilitate sucking, teething, sleep, relaxation, feeding or drinking.

(ii) Children's clothing and footwear.

(iii) Car seats.

(iv) Children's cosmetics.

(v) Children's jewelry.

(vi) Toys.

(vii) Vaccines.

(B) Any component part of a product specified in subparagraph (A) of this paragraph.

(b) "Children's product" does not mean:

(A) Athletic shoes with cleats or spikes.

(B) Batteries.

(C) BB guns, pellet guns and air rifles.

(D) Bicycles and tricycles.

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 (E) Chemistry sets.
- 2 (F) Consumer electronic products, including personal computers, audio and video equipment,
3 calculators, wireless telephones and game consoles, handheld devices that incorporate a video
4 screen and are used to access interactive software, and the associated peripherals.
- 5 (G) Interactive software intended for leisure and entertainment, such as computer games, and
6 their storage media, such as compact discs.
- 7 (H) Model rockets.
- 8 (I) Pocketknives and multitools.
- 9 (J) Roller skates.
- 10 (K) Scooters.
- 11 (L) Sets of darts with metallic points.
- 12 (M) Slings and catapults.
- 13 (N) Snow sporting equipment, including skis, poles, boots, snowboards, sleds and bindings.
- 14 (O) Sporting equipment and accessories, including but not limited to bats, balls, gloves, sticks,
15 pucks, pads, helmets and other protective equipment, weight training and exercise aids, protective
16 eyewear, backpacks and tents, raingear, sport bags and luggage, and golf equipment.
- 17 (P) Video toys that can be connected to a video screen and are operated at a nominal voltage
18 exceeding 24 volts.
- 19 (Q) Food and beverages and food and beverage packaging regulated by the United States Food
20 and Drug Administration or the United States Department of Agriculture.
- 21 (4) "Contaminant" means trace amounts of chemicals that are incidental to manufacturing and
22 that serve no intended function in the product component, including but not limited to:
- 23 (a) Unintended by-products of chemical reactions during the manufacture of the product com-
24 ponent;
- 25 (b) Trace impurities in feedstock;
- 26 (c) Incompletely reacted chemical mixtures; and
- 27 (d) Degradation products.
- 28 (5) "De minimis level" means:
- 29 (a) For a chemical that is an intentionally added chemical, the practical quantification limit; or
30 (b) For a chemical that is a contaminant, a concentration of 100 parts per million.
- 31 (6) "Intentionally added chemical" means a chemical in a product that serves an intended func-
32 tion in the product component.
- 33 (7) "Manufacturer" means any person that produces a children's product or an importer or do-
34 mestic distributor of a children's product. For the purposes of this subsection, "importer" means the
35 owner of the children's product.
- 36 (8) "Mouthable" means, in describing a children's product or any part of a children's product,
37 that an intended use of the product or any part of the product includes being placed in the mouth
38 for any purpose.
- 39 (9) "Practical quantification limit" means the lowest concentration of a chemical that can be
40 reliably measured within specified limits of precision, accuracy, representativeness, completeness
41 and comparability during routine laboratory operating conditions.
- 42 (10) "Trade association" means a membership organization of persons engaging in the same or
43 a similar or related line of commerce, organized to promote and improve business conditions in that
44 line of commerce and not to engage in regular business activities that ordinarily are carried on for
45 profit.

- 1 **(11) “Vaccine” means a suspension of infectious agents that:**
2 **(a) Contains preservatives and biologically active agents;**
3 **(b)(A) Is designed for the purpose of establishing resistance to an infectious disease; or**
4 **(B) Is used as a medical intervention to stimulate the production of antibodies or a pos-**
5 **itive immune response against one or several diseases;**
6 **(c) Is prepared from the causative agent of a disease, the causative agent’s biological**
7 **products or a synthetic substitute; and**
8 **(d) Is treated to act as an antigen without inducing the disease.**

9 **SECTION 2. The first biennial notice required under ORS 431A.258 shall be submitted by**
10 **a manufacturer of vaccines to the Oregon Health Authority by January 1, 2025.**

11