

2017 -- H 5822

LC001290

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO HEALTH AND SAFETY - FORMALDEHYDE CONTROL

Introduced By: Representatives Handy, Williams, McEntee, Ackerman, and Amore

Date Introduced: March 02, 2017

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 94

4 FORMALDEHYDE CONTROL

5 **23-94-1. Definitions.**

6 As used in this chapter:

7 (1) "Child" means a person under eighteen (18) years of age.

8 (2) "Children's product" means a product primarily designed or intended by a
9 manufacturer to be physically applied to or introduced into a child's body, including any article
10 used as a component of such a product and excluding a food, beverage, dietary supplement,
11 pharmaceutical product or biologic, children's toys that are covered by the ASTM International F
12 963 standard for Toy Safety, or device as defined in the Federal Food, Drug, and Cosmetic Act,
13 21 U.S.C. 321(h), as amended through February 15, 2013.

14 (3) "Formaldehyde" means a colorless, toxic, potentially carcinogenic, water soluble gas,
15 CH₂O, having a suffocating odor, usually derived from methy alcohol by oxidation used chiefly
16 in an aqueous solution, as a disinfectant and preservative, and in the manufacture of various
17 resins and plastics.

18 **23-94-2. Formaldehyde in children's products prohibited.**

19 Beginning January 1, 2018, no manufacturer, wholesaler or retailer may sell or offer for

1 sale in this state a children's product that knowingly contains:

2 (1) Formaldehyde, including formaldehyde contained in a solution; or

3 (2) Intentionally added chemical ingredients that chemically degrade under normal
4 conditions of temperature and pressure to release free formaldehyde at levels exceeding a de
5 minimus level of five one-hundredths of one percent (0.05%).

6 **23-94-3. Formaldehyde replacement prohibite d.**

7 (a) A manufacturer shall not replace formaldehyde, which use is prohibited by this
8 chapter with a chemical known to the manufacturer to have been identified on the basis of
9 credible scientific evidence by a state, federal, or international agency as being known or
10 suspected with a high degree of probability to:

11 (1) Harm the normal development of a fetus or child or cause other developmental
12 toxicity;

13 (2) Cause cancer, genetic damage, or reproductive harm;

14 (3) Disrupt the endocrine or hormone system; or

15 (4) Damage the nervous system, immune system, or organs, or cause other systemic
16 toxicity.

17 **23-94-4. Penalties and enforcement.**

18 (a) Any person violating or failing to comply with any of the requirements of this chapter
19 shall be subject to a fine not to exceed five thousand dollars (\$5,000).

20 (b) The director of the department of health may seek legal, injunctive, or other equitable
21 relief to enforce this chapter.

22 (c) The remedies and penalties provided in this section are cumulative and not exclusive.

23 **23-94-5. Severability.**

24 If any provision of this chapter or of any rule or regulation made under this chapter, or its
25 application to any person or circumstance is held invalid by a court of competent jurisdiction, the
26 remainder of the chapter, rule, or regulation and the application of the provision to other persons
27 or circumstances shall not be affected by this invalidity. The invalidity of any section or sections
28 or parts of any section or sections shall not affect the validity of the remainder of the chapter.

29 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO HEALTH AND SAFETY - FORMALDEHYDE CONTROL

1 This act would prohibit the use of formaldehyde or formaldehyde replacements in certain
2 children's products.

3 This act would take effect upon passage.

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