Maine Revised Statute Title 38, Chapter 16-D:
TOXIC CHEMICALS IN CHILDREN'S PRODUCTS

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38 §1691. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2007, c. 643, §2 (NEW).]

1. Alternative. "Alternative" means a substitute process, product, material, chemical, strategy or combination of these that serves a functionally equivalent purpose to a chemical in a children's product.

[2007, c. 643, §2 (NEW) .]

2. Chemical. "Chemical" means a substance with a distinct molecular composition or a group of structurally related substances and includes the breakdown products of the substance or substances that form through decomposition, degradation or metabolism.

[2007, c. 643, §2 (NEW) .]

2-A. Chemical of concern. "Chemical of concern" means a chemical identified by the department pursuant to section 1693.

[2011, c. 319, §2 (NEW) .]

3. Chemical of high concern. "Chemical of high concern" means a chemical identified by the department pursuant to section 1693-A.

[2011, c. 319, §2 (AMD) .]

4. Chemical of low concern. "Chemical of low concern" means a chemical for which adequate toxicity and environmental data are available to determine that it is not a chemical of high concern, a chemical of concern, a chemical of potential concern or a chemical of unknown concern.

[2011, c. 319, §2 (AMD) .]

5. Chemical of potential concern. "Chemical of potential concern" means a chemical identified by an authoritative governmental entity on the basis of credible scientific evidence as being suspected of causing an adverse health or environmental effect listed in section 1693, subsection 1.

[2011, c. 319, §2 (AMD) .]

6. Chemical of unknown concern. "Chemical of unknown concern" means a chemical for which insufficient data are available to classify it as a chemical of high concern, a chemical of concern, a chemical of potential concern or a chemical of low concern.

[2011, c. 319, §2 (AMD) .]

7. Children's product. "Children's product" means a consumer product intended for, made for or marketed for use by children under 12 years of age, such as baby products, toys, car seats, personal care products and clothing, and any consumer product containing a chemical of high concern that when used or disposed of will likely result in a child under 12 years of age or a fetus's being exposed to that chemical.

[2011, c. 319, §2 (AMD) .]

8. Consumer product. "Consumer product" means any item sold for residential or commercial use, including any component parts and packaging, that is sold for:

A. An indoor use in a residence, child care facility or school; or [2011, c. 319, §2 (NEW).]

B. An outdoor residential use if a child under 12 years of age may have direct contact with the item. [2011, c. 319, §2 (NEW).]

"Consumer product" does not include a food or beverage or an additive to a food or beverage, a tobacco product or paper or forest products or a pesticide regulated by the United States Environmental Protection Agency. "Consumer product" also does not include a drug or biologic regulated by the United States Department of Health and Human Services, Food and Drug Administration or the packaging of a drug or biologic regulated by the Food and Drug Administration if the packaging is regulated by the Food and Drug Administration. "Consumer product" also does not include an item sold for outdoor residential use that consists of a composite material made from polyester resins.

[2011, c. 319, §2 (AMD) .]

8-A. Credible scientific evidence. "Credible scientific evidence" means the results of a study, the experimental design and conduct of which have undergone independent scientific peer review, that are published in a peer-reviewed journal or publication of an authoritative federal or international governmental agency, including but not limited to the United States Department of Health and Human Services, National Toxicology Program, Food and Drug Administration and Centers for Disease Control and Prevention; the United States Environmental Protection Agency; the World Health Organization; and the European Union, European Chemicals Agency.

[2011, c. 319, §2 (NEW) .]

8-B. De minimis level. "De minimis level" means:

A. For a chemical of high concern or priority chemical that is an intentionally added chemical in a component of a children's product, the practical quantification limit; or [2011, c. 319, §2 (NEW).]

B. For a chemical of high concern or priority chemical that is a contaminant present in a component of a children's product, a concentration of 100 parts per million. [2011, c. 319, §2 (NEW).]

[2011, c. 319, §2 (NEW) .]

9. Distributor. "Distributor" means a person who sells consumer products to retail establishments on a wholesale basis.

[2007, c. 643, §2 (NEW) .]

9-A. Intentionally added chemical. "Intentionally added chemical" means a chemical that was added during the manufacture of a product or product component to provide a specific characteristic, appearance or quality or to perform a specific function.

[2011, c. 319, §2 (NEW) .]

10. Manufacturer. "Manufacturer" means any person who manufactured a final consumer product or whose brand name is affixed to the consumer product. In the case of a consumer product that was imported into the United States, "manufacturer" includes the importer or first domestic distributor of the consumer product if the person who manufactured or assembled the consumer product or whose brand name is affixed to the consumer product does not have a presence in the United States.

[2007, c. 643, §2 (NEW) .]

10-A. Practical quantification limit. "Practical quantification limit" means the lowest concentration of a chemical that can be reliably measured within specified limits of precision, accuracy, representativeness, completeness and comparability during routine laboratory operating conditions. The practical quantification limit is based on scientifically defensible, standard analytical methods. The practical quantification limit for a given chemical may be different depending on the matrix and the analytical method used.

[2011, c. 319, §2 (NEW) .]

11. Priority chemical. "Priority chemical" means a chemical identified as such by the commissioner pursuant to section 1694, subsection 1.

[2007, c. 643, §2 (NEW) .]

12. Safer alternative. "Safer alternative" means an alternative that, when compared to a priority chemical that it could replace, would reduce the potential for harm to human health or the environment or that has not been shown to pose the same or greater potential for harm to human health or the environment as that priority chemical.

[2007, c. 643, §2 (NEW) .]

SECTION HISTORY
2007, c. 643, §2 (NEW). 2011, c. 319, §2 (AMD).

38 §1692. DECLARATION OF POLICY

It is the policy of the State, consistent with its duty to protect the health, safety and welfare of its citizens, to reduce exposure of children and other vulnerable populations to chemicals of high concern by substituting safer alternatives when feasible. By enactment of this chapter, the Legislature confers upon the department the regulatory power to collect information on chemical use and prohibit the sale of children's products containing priority chemicals when safer alternatives are available. The policy represented in this chapter is in furtherance of the toxics use reduction policies under chapter 27. [2009, c. 579, Pt. B, §12 (AMD); 2009, c. 579, Pt. B, §13 (AFF).]

SECTION HISTORY
2007, c. 643, §2 (NEW). 2009, c. 579, Pt. B, §12 (AMD). 2009, c. 579, Pt. B, §13 (AFF).

38 §1693. IDENTIFICATION OF CHEMICALS OF CONCERN

1. Criteria. By January 1, 2010, the department, in concurrence with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, shall publish a list of chemicals of high concern, referred to after September 1, 2011 as "the list of chemicals of concern." A chemical may be included on the list only if it has been identified by an authoritative governmental entity on the basis of credible scientific evidence as being:

A. A carcinogen, a reproductive or developmental toxicant or an endocrine disruptor; [2011, c. 319, §3 (RPR).]

B. Persistent, bioaccumulative and toxic; or [2011, c. 319, §3 (RPR).]

C. Very persistent and very bioaccumulative. [2011, c. 319, §3 (RPR).]

[2011, c. 319, §3 (RPR) .]

2. Revisions. By January 1, 2012, the department, with input from interested persons and with the concurrence of the Department of Health and Human Services, Maine Center for Disease Control and Prevention, shall remove any chemical from the list published pursuant to subsection 1 that it finds is:

A. Used solely in an item that is not a consumer product, including, but not limited to, a food or beverage, drug or biologic, paper or forest product or pesticide; or [2011, c. 319, §3 (NEW).]

B. Used solely in a consumer product that is exempt from the requirements of this chapter pursuant to section 1697. [2011, c. 319, §3 (NEW).]

The department may periodically review and revise the list published pursuant to subsection 1. The department may add chemicals to the list if, in the judgment of the Department of Health and Human Services, Maine Center for Disease Control and Prevention, the chemical meets one or more of the criteria in subsection 1.

[2011, c. 319, §3 (RPR) .]

3. Removal by petition. A person may petition the department to remove a chemical from the list published pursuant to subsection 1. The department, in concurrence with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, may grant a petition if the person demonstrates to the satisfaction of the department that the chemical:

A. Does not meet the criteria for listing pursuant to subsection 1; or [2011, c. 319, §3 (NEW).]

B. Meets the criteria for removal from the list pursuant to subsection 2. [2011, c. 319, §3 (NEW).]

Upon receipt of a petition under this subsection, the department shall notify interested persons and provide an opportunity for review and comment on the evidence submitted by the petitioner. The department shall make a determination within 180 days of receipt of the petition and notify interested persons of the basis for its decision. If the petition is granted, the department shall immediately remove the chemical from the list published pursuant to subsection 1.

[2011, c. 319, §3 (NEW) .]

SECTION HISTORY
2007, c. 643, §2 (NEW). 2011, c. 319, §3 (RPR).

38 §1693-A. IDENTIFICATION OF CHEMICALS OF HIGH CONCERN

1. List. By July 1, 2012, the department shall publish a list of no more than 70 chemicals of high concern. The Department of Health and Human Services, Maine Center for Disease Control and Prevention, in consultation with the department, shall develop the list. To be listed as a chemical of high concern, a chemical must be on the list of chemicals of concern pursuant to section 1693 and meet the eligibility criteria of subsection 2.

[2011, c. 319, §4 (NEW) .]

2. Criteria. A chemical of concern on the list of chemicals of concern pursuant to section 1693 may be included in the list published pursuant to subsection 1 if the department, in concurrence with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, determines that there is strong credible scientific evidence that the chemical is a reproductive or developmental toxicant, endocrine disruptor or human carcinogen, and there is strong credible scientific evidence that the chemical meets one or more of the following criteria:

A. The chemical has been found through biomonitoring studies to be present in human blood, human breast milk, human urine or other bodily tissues or fluids; [2011, c. 319, §4 (NEW).]

B. The chemical has been found through sampling and analysis to be present in household dust, indoor air or drinking water or elsewhere in the home environment; or [2011, c. 319, §4 (NEW).]

C. The chemical has been added to or is present in a consumer product used or present in the home. [2011, c. 319, §4 (NEW).]

[2011, c. 319, §4 (NEW) .]

3. Updates. The commissioner shall review the list published pursuant to subsection 1 at least every 3 years. The commissioner shall remove any chemical from the list of chemicals of high concern that has been designated as a priority chemical pursuant to section 1694 or that no longer meets any of the criteria of subsection 2. The commissioner may identify additional chemicals of high concern according to the criteria and requirements of this section. The list of chemicals of high concern may not consist of more than 70 or fewer than 10 chemicals of high concern, unless fewer than 10 chemicals of high concern meet any of the criteria under subsection 2.

[2011, c. 319, §4 (NEW) .]

4. Rules. The department shall adopt rules to implement the provisions of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2011, c. 319, §4 (NEW) .]

SECTION HISTORY
2011, c. 319, §4 (NEW).

38 §1694. IDENTIFICATION OF PRIORITY CHEMICALS

Effective July 1, 2012, a chemical is eligible for designation as a priority chemical only if that chemical has been identified and listed as a chemical of high concern pursuant to section 1693-A. [2011, c. 319, §5 (NEW).]

1. Criteria. The commissioner may designate a chemical of high concern as a priority chemical if the commissioner finds, in concurrence with the Department of Health and Human Services, Maine Center for Disease Control and Prevention:

A. The chemical has been found through biomonitoring to be present in human blood, including umbilical cord blood, breast milk, urine or other bodily tissues or fluids; [2007, c. 643, §2 (NEW).]

B. The chemical has been found through sampling and analysis to be present in household dust, indoor air or drinking water or elsewhere in the home environment; or [2011, c. 319, §5 (AMD).]

[PL 2011, c. 319, § 5 (RP).]

C. [2011, c. 319, §5 (RP).]

D. The chemical is present in a consumer product used or present in the home. [2011, c. 319, §5 (AMD).]

[PL 2011, c. 319, § 5 (RP).]

E. [2011, c. 319, §5 (RP).]

[PL 2011, c. 319, § 5 (RP).]

F. [2011, c. 319, §5 (RP).]

[2011, c. 319, §5 (AMD) .]

2. Designation. The commissioner shall designate at least 2 priority chemicals by January 1, 2011. The commissioner may designate additional priority chemicals if the commissioner finds that the chemicals meet one of the criteria listed in subsection 1.

[2011, c. 319, §5 (AMD) .]

The commissioner shall adopt rules to implement the provisions of this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2007, c. 643, §2 (NEW).]

SECTION HISTORY
2007, c. 643, §2 (NEW). 2011, c. 319, §5 (AMD).

38 §1695. DISCLOSURE OF INFORMATION ON PRIORITY CHEMICALS

1. Reporting of chemical use. Not later than 180 days after a priority chemical is identified pursuant to section 1694, a person who is a manufacturer or distributor of a children's product for sale in the State that contains a priority chemical in an amount greater than a de minimis level shall notify the department in writing unless waived by the commissioner pursuant to this section or exempt from this chapter pursuant to section 1697. This written notice must identify the children's product, the number of units sold or distributed for sale in the State or nationally, the priority chemical or chemicals contained in the children's product, the amount of such chemicals in each unit of children's product and the intended purpose of the chemicals in the children's product.

[2011, c. 319, §6 (AMD) .]

2. Supplemental information. The manufacturer or distributor of a children's product that contains a priority chemical shall provide the following additional information if requested by the department:

A. Information on the likelihood that the chemical will be released from the children's product to the environment during the children's product's life cycle and the extent to which users of the children's product are likely to be exposed to the chemical; [2007, c. 643, §2 (NEW).]

B. Information on the extent to which the chemical is present in the environment or human body; and [2007, c. 643, §2 (NEW).]

C. An assessment of the availability, cost, feasibility and performance, including potential for harm to human health and the environment, of alternatives to the priority chemical and the reason the priority chemical is used in the manufacture of the children's product in lieu of identified alternatives. If an assessment acceptable to the department is not timely submitted, the department may assess a fee on the manufacturer or distributor to cover the costs to prepare an independent report on the availability of safer alternatives by a contractor of the department's choice. [2007, c. 643, §2 (NEW).]

The manufacturer or distributor of a children's product that contains a priority chemical may provide additional information to the department regarding the potential for harm to human health and the environment from specific uses of the priority chemical.

[2007, c. 643, §2 (NEW) .]

3. Waiver of reporting; fee; extension of deadline. The commissioner may waive all or part of the notification requirement under subsection 1 for one or more specified uses of a priority chemical if the commissioner determines that substantially equivalent information is already publicly available, that the information is not needed for the purposes of this chapter or that the specified use or uses are minor in volume. The department may assess a fee payable by the manufacturer or distributor upon submission of the notification to cover the department's reasonable costs in managing the information collected. The department may extend the deadline for submission of the information required under subsection 1 for one or more

specified uses of a priority chemical in a children's product if it determines that more time is needed by the manufacturer or distributor to comply with the submission requirement or if the information is not needed at that time.

[2007, c. 643, §2 (NEW) .]

4. Rulemaking to determine fees. If the department assesses a fee pursuant to subsection 2, paragraph C or subsection 3, the department shall determine the appropriate fee through major substantive rulemaking, as defined in Title 5, chapter 375, subchapter 2-A.

[2007, c. 643, §2 (NEW) .]

SECTION HISTORY
2007, c. 643, §2 (NEW). 2011, c. 319, §6 (AMD).

38 §1696. SALES PROHIBITION; RULES; SAFER ALTERNATIVES TO PRIORITY CHEMICALS

1. Authority. The board may adopt rules prohibiting the manufacture, sale or distribution in the State of a children's product containing a priority chemical in an amount greater than a de minimis level if the board finds, after consideration of information filed under section 1695 and other relevant information submitted to or obtained by the board, that:

A. Distribution of the children's product directly or indirectly exposes children and vulnerable populations to the priority chemical; and [2007, c. 643, §2 (NEW).]

B. One or more safer alternatives to the priority chemical are available at a comparable cost. [2007, c. 643, §2 (NEW).]

If there are several available safer alternatives to a priority chemical, the board may prohibit the sale of children's products that do not contain the safer alternative that is least toxic to human health or least harmful to the environment.

A rule established pursuant to this subsection must specify the effective date of the prohibition, which may not be sooner than 12 months after notice of the proposed rule is published as required under Title 5, section 8053, subsection 5. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[2011, c. 319, §7 (AMD) .]

2. Alternatives assessment; presumptions. For the purpose of determining whether a safer alternative is available under subsection 1, paragraph B, the board may, in the absence of persuasive evidence to the contrary:

A. Presume that an alternative is a safer alternative if the alternative is not a chemical of concern; [2011, c. 319, §8 (AMD).]

B. Presume that a safer alternative is available if the sale of the children's product containing the priority chemical has been banned by another state within the United States based on the availability of a safer alternative; [2011, c. 319, §8 (AMD).]

C. Presume that a safer alternative is available if the children's product containing the priority chemical is an item of apparel or a novelty; and [2007, c. 643, §2 (NEW).]

D. Presume that a safer alternative is available if the alternative is sold in the United States. [2007, c. 643, §2 (NEW).]

[2011, c. 319, §8 (AMD) .]

3. Implementation. No later than 180 days prior to the effective date of a prohibition adopted under subsection 1, the manufacturer or distributor of a children's product that contains the priority chemical and that is subject to the prohibition at the time of adoption shall file a compliance plan with the commissioner or seek a waiver under subsection 5. A compliance plan must:

A. Identify the children's product that contains the priority chemical; [2007, c. 643, §2 (NEW).]

B. Specify whether compliance will be achieved by discontinuing the sale of the children's product in the State or by substituting a safer alternative in the product; and [2007, c. 643, §2 (NEW).]

C. If compliance is achieved by substitution of a safer alternative in the product, identify the safer alternative and the timetable for substitution. [2007, c. 643, §2 (NEW).]

[2007, c. 643, §2 (NEW) .]

4. Responsibility. A manufacturer or distributor of a children's product containing a priority chemical shall notify persons that offer the product for sale or distribution in the State of the requirements of this chapter.

[2007, c. 643, §2 (NEW) .]

5. Waiver for specific uses. The manufacturer or distributor of a children's product that contains a priority chemical and that is subject to a prohibition adopted pursuant to subsection 1 may apply to the commissioner for a waiver for one or more specific uses of the priority chemical. The waiver application must, at a minimum:

A. Identify the specific children's product use or uses for which the waiver is sought; [2007, c. 643, §2 (NEW).]

B. Identify the alternatives considered for substitution of the priority chemical; [2007, c. 643, §2 (NEW).]

C. Explain the basis for concluding that the use of an alternative is not feasible; and [2007, c. 643, §2 (NEW).]

D. Identify the steps that have and will be taken to minimize the use of the priority chemical. [2007, c. 643, §2 (NEW).]

The commissioner may grant a waiver with or without conditions upon finding that there is a need for the children's product in which the priority chemical is used and there are no technically or economically feasible alternatives for the use of the priority chemical in the children's product. Waivers may be granted for a term not to exceed 5 years and may be renewed for one or more additional 5-year terms upon written application demonstrating that technically or economically feasible alternatives remain unavailable. The commissioner shall deny or grant waiver requests within 60 days after receipt of a completed waiver application.

[2007, c. 643, §2 (NEW) .]

6. Petitions. If rulemaking to prohibit the sale of a children's product containing a priority chemical is initiated by petition under Title 5, section 8055, the department shall consider the information submitted in support of the petition but is not obligated to conduct a search of other sources of information on the chemical or its uses. The petitioner bears the burden of demonstrating that the criteria under subsection 1 for adoption of rules are met.

[2007, c. 643, §2 (NEW) .]

SECTION HISTORY
2007, c. 643, §2 (NEW). 2011, c. 319, §§7, 8 (AMD).

38 §1697. APPLICABILITY

1. Used products. This chapter does not apply to chemicals in used products.

[2007, c. 643, §2 (NEW) .]

2. Industry. The requirements of this chapter do not apply to priority chemicals used in or for industry or manufacturing, including chemicals processed or otherwise used in or for industrial or manufacturing processes.

[2007, c. 643, §2 (NEW) .]

3. Transportation. The requirements of this chapter do not apply to motor vehicles as defined in Title 29-A, section 101, subsection 42 or watercraft as defined in Title 12, section 13001, subsection 28 or their component parts, except that the use of priority chemicals in detachable car seats is not exempt.

[2007, c. 643, §2 (NEW) .]

4. Combustion. The requirements of this chapter do not apply to priority chemicals generated solely as combustion by-products or that are present in combustible fuels.

[2007, c. 643, §2 (NEW) .]

5. Retailers. A retailer is exempt from the requirements of this chapter unless that retailer knowingly sells a children's product containing a priority chemical after the effective date of its prohibition for which that retailer has received prior notification from a manufacturer, distributor or the State.

[2007, c. 643, §2 (NEW) .]

6. Mercury-added products. The commissioner may designate mercury or a mercury compound as a priority chemical for the purpose of adopting rules under section 1696 to prohibit the manufacture, sale or distribution of a mercury-added product that is not regulated under section 1661-C or 1667 prior to the effective date of this section. The disclosure requirements of section 1695 do not apply to the manufacturer or distributor of a children's product that contains the designated mercury or mercury compound if the manufacturer has complied with the notification requirement under section 1661-A.

[2007, c. 643, §2 (NEW) .]

7. Telecommunications. The disclosure requirements of section 1695 do not apply to a service provider whose name appears on a telecommunications device unless the service provider is the actual manufacturer of the device. As used in this subsection, "service provider" has the meaning set out in Title 35-A, section 7107, subsection 1, paragraph C.

[2007, c. 643, §2 (NEW) .]

8. Food and beverage packaging. A container or packaging for a food or beverage product is exempt from the requirements of this chapter, unless that product is intentionally marketed or intended for the use of children under 3 years of age.

[2007, c. 643, §2 (NEW) .]

9. Regulatory efficiency. The department may, in exercising its discretionary authority under this chapter, consider the extent to which a chemical of high concern in a children's product is adequately regulated by the Federal Government or an agency of this State to reduce or prevent the same public health threats that would be the basis for addressing the chemical under this chapter.

[2011, c. 319, §9 (NEW) .]

10. Inaccessible components. The requirements of sections 1695 and 1696 do not apply to a priority chemical contained in a component of a children's product that during reasonably foreseeable use and abuse would not come into direct contact with a child's skin or mouth, such as inaccessible components of children's products. The department may adopt a rule, based on a case-by-case evaluation, to subject such components to the requirements of sections 1695 and 1696. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2011, c. 319, §9 (NEW) .]

11. Contaminants. The requirements of sections 1695 and 1696 do not apply to a priority chemical that occurs in a product component only as a contaminant if the manufacturer had in place a manufacturing control program and exercised due diligence to minimize the presence of the contaminant in the component.

[2011, c. 319, §9 (NEW) .]

SECTION HISTORY
2007, c. 643, §2 (NEW). 2011, c. 319, §9 (AMD).

38 §1698. INTERSTATE CLEARINGHOUSE TO PROMOTE SAFER CHEMICALS

The department is authorized to participate in an interstate clearinghouse to promote safer chemicals in consumer products in cooperation with other states and governmental entities. The department may cooperate with the interstate clearinghouse to classify existing chemicals in commerce into one of 5 categories: chemicals of high concern, chemicals of concern, chemicals of potential concern, chemicals of unknown concern and chemicals of low concern. [2011, c. 319, §10 (AMD).]

The department may also cooperate with the interstate clearinghouse in order to organize and manage available data on chemicals, including information on uses, hazards and environmental concerns; to produce and inventory information on safer alternatives to specific uses of chemicals of concern and on model policies and programs; to provide technical assistance to businesses and consumers related to safer chemicals; and to undertake other activities in support of state programs to promote safer chemicals. [2007, c. 643, §2 (NEW).]

SECTION HISTORY
2007, c. 643, §2 (NEW). 2011, c. 319, §10 (AMD).

38 §1699. EDUCATION AND ASSISTANCE

As resources allow, the department shall develop a program to educate and assist consumers and retailers in identifying children's products that may contain priority chemicals. [2007, c. 643, §2 (NEW).]

SECTION HISTORY
2007, c. 643, §2 (NEW).

38 §1699-A. ENFORCEMENT AND IMPLEMENTATION

1. Failure to provide notice. A children's product containing a priority chemical may not be sold, offered for sale or distributed for sale in this State if the manufacturer or distributor has failed to provide information required under section 1695 by the date required in that section. The commissioner shall exempt a children's product from this prohibition if, in the commissioner's judgment, the lack of availability of the children's product could pose an unreasonable risk to public health, safety or welfare.

[2007, c. 643, §2 (NEW) .]

2. Certificate of compliance. If there are grounds to suspect that a children's product is being offered for sale in violation of this chapter, the department may request the manufacturer or distributor of the product to provide a certificate of compliance with the provisions of this chapter. Within 30 days of receipt of a request under this subsection, the manufacturer or distributor shall:

A. Provide the department with the certificate attesting that the children's product does not contain the priority chemical; or [2007, c. 643, §2 (NEW).]

B. Notify persons who sell the product in this State that the sale of the children's product is prohibited and provide the department with a list of the names and addresses of those notified. [2007, c. 643, §2 (NEW).]

[2011, c. 319, §11 (AMD) .]

SECTION HISTORY
2007, c. 643, §2 (NEW). 2011, c. 319, §11 (AMD).

38 §1699-B. DONATIONS TO THE STATE

The department, through the Governor, may accept donations, grants and other funds to carry out the purposes of this chapter. [2007, c. 643, §2 (NEW).]

SECTION HISTORY
2007, c. 643, §2 (NEW).

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