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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO HEALTH AND SAFETY - FORMALDEHYDE CONTROL

Introduced By: Representatives Handy, Maldonado, Tanzi, Regunberg, and Edwards

Date Introduced: February 26, 2015

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. --** As used in this chapter:

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

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

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

17 **23-94-2. Formaldehyde in children's products prohibited. --** (a) Beginning January 1,
18 2016, no manufacturer or wholesaler may sell or offer for sale in this state a children's product
19 that intentionally contains:

1 (1) Formaldehyde, including formaldehyde contained in a solution; or
2 (2) Intentionally added chemical ingredients that chemically degrade under normal
3 conditions of temperature and pressure to release free formaldehyde at levels exceeding a de
4 minimus level of five one-hundredths of one percent (0.05%).

5 (b) Beginning January 1, 2016, no retailer may sell or offer for sale in this state a
6 children's product that intentionally contains:

7 (1) Formaldehyde, including formaldehyde contained in a solution; or
8 (2) Intentionally added chemical ingredients that chemically degrade under normal
9 conditions of temperature and pressure to release free formaldehyde at levels exceeding a de
10 minimus level of five one-hundredths of one percent (0.05%).

11 **23-94-3. Formaldehyde replacement prohibited.** -- (a) A manufacturer shall not
12 replace a chemical whose use is prohibited by this chapter with a chemical known to the
13 manufacturer to have been identified on the basis of credible scientific evidence by a state,
14 federal, or international agency as being known or suspected with a high degree of probability to:

15 (1) Harm the normal development of a fetus or child or cause other developmental
16 toxicity;
17 (2) Cause cancer, genetic damage, or reproductive harm;
18 (3) Disrupt the endocrine or hormone system; or
19 (4) Damage the nervous system, immune system, or organs, or cause other systemic
20 toxicity.

21 **23-94-4. Penalties and enforcement.** -- (a) Anyone violating or failing to comply with
22 any of the requirements of this chapter shall be punished by a fine not to exceed five thousand
23 dollars (\$5,000).

24 (b) The director of health may seek legal, injunctive, or other equitable relief to enforce
25 this chapter.

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

27 **23-94-5. Severability.** -- If any provision of this chapter or the application thereof to any
28 person or circumstances is held invalid, the invalidity does not affect other provisions or
29 application of this chapter which can be given effect without the invalid provision or application,
30 and to this end the provisions of this chapter are severable.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
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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