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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO HEALTH AND SAFETY - FORMALDEHYDE CONTROL

Introduced By: Representatives Handy, McEntee, Canario, Naughton, and McKiernan

Date Introduced: February 12, 2016

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 device as defined in the Federal Food, Drug, and Cosmetic Act,  
12 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 CH<sub>2</sub>O, 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. --** Beginning January 1,  
18 2017, no manufacturer, wholesaler or retailer may sell or offer for sale in this state a children's  
19 product that knowingly 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           **23-94-3. Formaldehyde replacement prohibited.** -- (a) A manufacturer shall not  
6 replace formaldehyde, which use is prohibited by this chapter with a chemical known to the  
7 manufacturer to have been identified on the basis of credible scientific evidence by a state,  
8 federal, or international agency as being known or suspected with a high degree of probability to:

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

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

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

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

15           **23-94-4. Penalties and enforcement.** -- (a) Any person violating or failing to comply  
16 with any of the requirements of this chapter shall be subject to a fine not to exceed five thousand  
17 dollars (\$5,000).

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

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

21           **23-94-5. Severability.** -- If any provision of this chapter or of any rule or regulation  
22 made under this chapter, or its application to any person or circumstance is held invalid by a court  
23 of competent jurisdiction, the remainder of the chapter, rule, or regulation and the application of  
24 the provision to other persons or circumstances shall not be affected by this invalidity. The  
25 invalidity of any section or sections or parts of any section or sections shall not affect the validity  
26 of the remainder of the chapter.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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- 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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