

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1335

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DATE	D-PG	OFFICIAL STATUS
04/28/2011	1450	Introduction and first reading Referred to Health and Human Services

1.1 A bill for an act
1.2 relating to public health; requiring reporting by manufacturers of children's
1.3 products that contain harmful chemicals; specifying treatment of harmful
1.4 chemicals that are trade secrets; amending Minnesota Statutes 2010, section
1.5 13.7411, subdivision 8; proposing coding for new law in Minnesota Statutes,
1.6 chapter 116.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2010, section 13.7411, subdivision 8, is amended to read:

1.9 Subd. 8. **Pollution Control Agency.** (a) **Hazardous waste generators.**

1.10 Information provided by hazardous waste generators under section 473.151 and for which
1.11 confidentiality is claimed is governed by section 116.075, subdivision 2.

1.12 (b) **Tests.** Trade secret information made available by applicants for certain projects
1.13 of the Pollution Control Agency is classified under section 116.54.

1.14 (c) **Priority chemical.** Identification of a chemical that is trade secret information as
1.15 a priority chemical is classified under section 116.9408.

1.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.17 Sec. 2. **[116.9408] PRIORITY CHEMICAL; PUBLIC DATA.**

1.18 Notwithstanding section 13.37, subdivision 2, identification of a chemical that is
1.19 trade secret information as a priority chemical through designation or publication under
1.20 section 116.9403 is classified as public data.

1.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.22 Sec. 3. **[116.9409] PRIORITY CHEMICAL; NOT MISAPPROPRIATION.**

2.1 Notwithstanding section 325C.01, subdivision 3, designation or publication of the
2.2 identity of a priority chemical under section 116.9403 is not misappropriation of a trade
2.3 secret and is not subject to the remedies provided in chapter 325C or any other law.

2.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.5 Sec. 4. **[116.941] REPORTING OF INFORMATION ON PRIORITY**
2.6 **CHEMICALS.**

2.7 (a) Within 180 days after a priority chemical is designated under section 116.9403,
2.8 or, for a priority chemical designated under section 116.9403 before July 1, 2011, by
2.9 January 1, 2012, a manufacturer or distributor of a children's product offered for sale in
2.10 this state that contains a priority chemical shall, unless the children's product is not subject
2.11 to regulation under section 116.9405, provide the following information to the agency on
2.12 a form developed by the commissioner:

2.13 (1) the name of the priority chemical and its chemical abstracts service registry
2.14 number;

2.15 (2) in which of the following categories the children's product containing a priority
2.16 chemical belongs:

2.17 (i) Category 1: a children's product intended to be used by children three years of age
2.18 or younger or intended to be placed in a child's mouth or directly applied to a child's skin;

2.19 (ii) Category 2: a children's product intended to be in direct contact with a child's
2.20 skin for one hour or longer, including, but not limited to, clothing, jewelry, bedding,
2.21 or a car seat;

2.22 (iii) Category 3: a children's product intended to be in direct contact with a child's
2.23 skin for less than one hour; or

2.24 (iv) Category 4: a children's product in which a priority chemical is only contained
2.25 in an internal component not intended to be in direct contact with a child's skin or mouth;

2.26 (3) an estimate of the total amount of the priority chemical contained in each product
2.27 and product component, a description of how the estimate was made, and an evaluation of
2.28 the estimate's accuracy;

2.29 (4) the number of units of the children's product sold or distributed in Minnesota
2.30 or nationally;

2.31 (5) any assessment of the use of safer alternatives to the priority chemical contained
2.32 in the children's product;

2.33 (6) any other information the manufacturer deems relevant; and

2.34 (7) any information requested by the commissioner.

3.1 (b) If the information required in paragraph (a) is not submitted in a timely fashion,
3.2 or is incomplete or otherwise unacceptable, as determined by the agency, the agency may
3.3 contract with an independent third party of the agency's choice to provide the information
3.4 and may assess a fee on the manufacturer or distributor that is equal to the costs billed by
3.5 the independent contractor plus the agency's actual costs incurred to bid and administer
3.6 the contract. If the priority chemical in question is claimed as a trade secret under section
3.7 325C.01, subdivision 5, any contract between the agency and a third party for information
3.8 required under this section must stipulate that the trade secret status of the information
3.9 be maintained.

3.10 (c) Following the initial submission of the information required under paragraph
3.11 (a), a manufacturer or distributor of a children's product offered for sale in this state that
3.12 continues to contain a priority chemical must submit the information required under
3.13 paragraph (a) to the commissioner every two years thereafter.

3.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.15 Sec. 5. **REVISOR'S INSTRUCTION.**

3.16 The revisor of statutes shall change the range reference "sections 116.9401 to
3.17 116.9407" to "sections 116.9401 to 116.941" wherever it appears in Minnesota Statutes
3.18 and Minnesota Rules.