

CHAPTER 58—H.F.No. 458

An act relating to public health; banning formaldehyde in certain children's products; proposing coding for new law in Minnesota Statutes, chapter 325F.

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

Section 1. **[325F.176] DEFINITIONS.**

(a) For the purposes of sections 325F.176 to 325F.178, the following terms have the meanings given them.

(b) "Child" means a person under eight years of age.

(c) "Children's product" means a product primarily designed or intended by a manufacturer to be physically applied to or introduced into a child's body, including any article used as a component of such a product and excluding a food, beverage, dietary supplement, pharmaceutical product or biologic, children's toys that are covered by the ASTM International F963 standard for Toy Safety, or a medical device as defined in the federal Food, Drug, and Cosmetic Act, United States Code, title 21, section 321(h), as amended through February 15, 2013.

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

Sec. 2. **[325F.177] FORMALDEHYDE IN CHILDREN'S PRODUCTS; BAN.**

(a) Beginning August 1, 2014, no manufacturer or wholesaler may sell or offer for sale in this state a children's product that intentionally contains:

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

(2) ingredients that chemically degrade under normal conditions of temperature and pressure to release formaldehyde.

(b) Beginning August 1, 2015, no retailer may sell or offer for sale in this state a children's product that intentionally contains:

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

(2) ingredients that chemically degrade under normal conditions of temperature and pressure to release formaldehyde.

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

Sec. 3. **[325F.178] FORMALDEHYDE REPLACEMENT CHEMICALS.**

(a) A manufacturer shall not replace a chemical whose use is prohibited in section 325F.175 with a chemical known to the manufacturer to have been identified on the basis of credible scientific evidence by a state, federal, or international agency as being known or suspected with a high degree of probability to:

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

(2) cause cancer, genetic damage, or reproductive harm;

(3) disrupt the endocrine or hormone system; or

(4) damage the nervous system, immune system, or organs, or cause other systemic toxicity.

(b) For the purposes of this section, international agency does not include an agency affiliated with a country on the U.S. Department of State list of state sponsors of terrorism or the U.S. Department of Treasury list of countries with trade restrictions or sanctions.

EFFECTIVE DATE. This section is effective August 1, 2013, and applies to crimes committed on or after that date.

Presented to the governor May 9, 2013

Signed by the governor May 13, 2013, 2:58 p.m.