



SPONSOR: Rep. Kowalko & Sen. Sokola  
Rep. Wilson; Sen. Henry

HOUSE OF REPRESENTATIVES  
149th GENERAL ASSEMBLY

HOUSE BILL NO. 479

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE PROHIBITION OF HARMFUL FLAME RETARDANTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as  
2 shown by underline as follows:

3 CHAPTER 105. PROHIBITION ON HARMFUL FLAME RETARDANTS.

4 § 10501. Definitions.

5 For purposes of this chapter:

6 (1) “Children’s product” means clothing, a toy, a detachable car seat, a nursing pillow, a crib mattress, a  
7 nap pad, a changing pad, or another product that is used primarily for or by a child 12 years of age or younger.

8 (2) “Manufacturer” means a person who makes a product or imports or distributes a product in the United  
9 States if the person who manufactured or assembled the product or whose brand name is affixed to the product  
10 does not do business in the United States.

11 (4) “Upholstered residential furniture” means furniture with padding, coverings, and cushions intended  
12 and sold for use in the home or places of lodging.

13 (5) “Retailer” means a person who sells a product other than for resale and who did not manufacture or  
14 distribute the product.

15 § 10502. Flame retardant prohibitions.

16 (a) A person may not manufacture, sell, or distribute upholstered residential furniture or a children's product if a  
17 component of the upholstered residential furniture or a children's product contains any of the following flame retardants:

18 (1) Tris(1,3-dichloro-2-propyl)phosphate (TDCPP), chemical abstracts service number 13674-87-8.

19 (2) Tris(2-chloroethyl)phosphate (TCEP), chemical abstracts service number 115-96-8.

20 (3) Tetrabromobisphenol A (TBBPA), chemical abstracts service number 79-94-7.

21 (4) Decabromodiphenyl ether, chemical abstracts service number 1163-19-5.

22 (5) Antimony, chemical abstracts service number 7440-36-0.

- 23                   (6) Hexabromocyclododecane, chemical abstracts service number 25637-99-4.
- 24                   (7) Bis(2-ethylhexyl)-3,4,5,6-tetrabromophthalate (TBPH), chemical abstracts service number 26040-51-
- 25                   7.
- 26                   (8) 2-ethylhexyl-2,3,4,5-tetrabromobenzoate (TBB), chemical abstracts service number 183658-27-7.
- 27                   (9) Chlorinated paraffins, chemical abstracts service number 85535-84-8.
- 28                   (10) Tris(1-chloro-2-propyl)phosphate (TCPP), chemical abstracts service number 13674-84-5.
- 29                   (b) The following persons are exempt from the requirements of this section:
- 30                   (1) A person who does not sell the product on a regular basis and does not engage in the business of
- 31                   selling that type of product.
- 32                   (2) A nonprofit entity that qualifies for an exemption from taxation under 26 U.S.C. 501(c)(3).
- 33                   § 10503. Notifications.
- 34                   A manufacturer of a product under § 10502 of this chapter must notify retailers that sell the manufacturer's product
- 35                   in this State about the provisions of this chapter no less than 90 days before [the effective date of this Act].
- 36                   § 10504. Penalties.
- 37                   (a) A violation of this chapter is punished as follows:
- 38                   (1) First violation, fined not more than \$1,000.
- 39                   (2) Subsequent violation, fined not more than \$5,000.
- 40                   (b) Fines collected under this section must be deposited in the General Fund.
- 41                   Section 2. This Act is effective on July 1, 2019.

#### SYNOPSIS

This Act prohibits the manufacture, sale, or distribution of upholstered residential furniture and children's products that contain harmful flame retardant chemicals. People who are not in the business of selling these products and nonprofits are exempted from this Act. These flame retardants have been found to cause cancer, particularly to firefighters who are extinguishing fires that involve products that contain these chemicals.

This Act takes effect on July 1, 2019.