



SPONSOR: Rep. Kowalko

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 2
TO
HOUSE BILL NO. 77

AMEND House Bill No. 77 on line 3 by deleting “PROHIBITION ON HARMFUL FLAME RETARDANTS.”
and inserting in lieu thereof “Chemical Flame Retardant Restrictions.”.

FURTHER AMEND House Bill No. 77 by deleting lines 6 and 7 in their entirety and redesignating accordingly.

FURTHER AMEND House Bill No. 77 on line 10 by deleting “playard,” and inserting in lieu thereof “play yard.”.

FURTHER AMEND House Bill No. 77 on lines 11 and 12 by deleting ““Children’s product” does not mean an
electronic enclosure inside a product or a consumer electronic product.”.

FURTHER AMEND House Bill No. 77 on lines 40 and 41 by deleting ““Upholstered furniture” does not mean an
electronic enclosure inside residential furniture.”.

FURTHER AMEND House Bill No. 77 by deleting lines 50 through 54 in their entirety and inserting in lieu
thereof the following:

“A person may not manufacture, sell, offer to sell, or distribute a mattress that contains, or has a constituent
component that contains, more than 0.1% of an organohalogen or more than 0.1% of a mixture that includes 1 or more
organohalogens.”.

FURTHER AMEND House Bill No. 77 by deleting line 56 in its entirety and inserting in lieu thereof the
following:

“(a) Sections 2502G and 2503G of this title do not apply to any of the following.”.

FURTHER AMEND House Bill No. 77 between lines 64 and 65 by inserting the following and redesignating
accordingly:

“(6) Components of an adult mattress other than foam.

(7) Electronic components of a children’s product, mattress, or upholstered furniture, or any associated enclosure
or casing for the electronic components.”.

FURTHER AMEND House Bill No. 77 on line 65 by deleting “commodity” and inserting in lieu thereof
“product”.

24 FURTHER AMEND House Bill No. 77 by deleting lines 69 through 72 in their entirety and inserting in lieu
25 thereof the following:
26 “(b) This chapter does not apply to mattresses or upholstered furniture that can be sold or distributed in commerce
27 in California.”.
28 FURTHER AMEND House Bill No. 77 on line 76 by deleting “July 1, 2021.” and inserting in lieu thereof “July 1,
29 2023.”.

SYNOPSIS

This Amendment does all of the following:

1. Makes this Act consistent with California law by clarifying that for adult mattresses, the restrictions on the flame retardant chemicals and organohalogens only apply to foam.
2. Exempts used mattresses.
3. Clarifies the exemption for electronic components, making it applicable to the electronic components in children’s products, mattresses, and upholstered furniture, using language consistent with the law in California and New York.
4. Provides a blanket exception that allows mattresses or upholstered furniture that can be sold in California to be sold in Delaware.
5. Changes the name of Chapter 25G and corrects spelling and terminology.
6. Changes the effective date to July 1, 2023.