

**House File 775 - Introduced**

HOUSE FILE 775

BY ISENHART

**A BILL FOR**

1 An Act prohibiting the manufacturing, distribution, and sale of  
2 consumer products containing certain chemicals, including  
3 effective date provisions, and making penalties applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 455F.12 Upholstered furniture —  
2 flame retardant chemicals.

3 1. As used in this section, unless the context otherwise  
4 requires:

5 a. "*Flame-retardant chemical*" means a chemical or chemical  
6 compound for which a functional use is to resist or inhibit  
7 the spread of fire. "*Flame-retardant chemical*" includes  
8 halogenated, phosphorus-based, nitrogen-based, and nanoscale  
9 flame retardants and any chemical or chemical compound for  
10 which "flame retardant" appears on the substance safety data  
11 sheet required under 29 C.F.R. §1910.1200(g).

12 b. "*Upholstered furniture*" means residential furniture  
13 intended for indoor use in a home or dwelling unit and  
14 consisting in whole or in part of resilient cushioning  
15 materials enclosed within a covering that consists of fabric or  
16 related materials.

17 2. Except as otherwise provided, a person shall not sell  
18 or offer to sell or distribute for promotional purposes  
19 upholstered furniture containing in its fabric or other  
20 covering or in its cushioning materials more than one-tenth  
21 of one percent of a flame-retardant chemical or more  
22 than one-tenth of one percent of a mixture that includes  
23 flame-retardant chemicals.

24 3. Subsection 2 does not apply to the following upholstered  
25 furniture products containing flame-retardant chemicals:

26 a. Used upholstered furniture.

27 b. Upholstered furniture purchased for public use in public  
28 facilities, including schools, jails, and hospitals, that meets  
29 generally accepted flammability standards for seating furniture  
30 used in public occupancies.

31 c. New upholstered furniture otherwise subject to  
32 subsection 2 that is sold, offered for sale, or distributed for  
33 promotional purposes in the state by a retailer or wholesaler  
34 on or after January 1, 2020, and that was imported into the  
35 state or otherwise purchased or acquired by the retailer or

1 wholesaler for sale or distribution in the state prior to  
2 January 1, 2020.

3 Sec. 2. NEW SECTION. 455F.13 Food packaging — fire  
4 fighting foam — fire fighting personal protective equipment —  
5 perfluoroalkyl or polyfluoroalkyl substances.

6 1. As used in this section, unless the context otherwise  
7 requires:

8 a. "*Class B fire fighting foam*" means foam designed to  
9 extinguish flammable-liquid fires.

10 b. "*Fire fighting personal protective equipment*" means  
11 any clothing designed, intended, or marketed to be worn by  
12 fire fighting personnel in the performance of their duties,  
13 designed with the intent for use in fire and rescue activities,  
14 including jackets, pants, shoes, gloves, helmets, and  
15 respiratory equipment.

16 c. "*Food packaging*" means a package, including a unit  
17 package, intermediate package, and a shipping container,  
18 or packaging component, including any interior or exterior  
19 blocking, bracing, cushioning, weatherproofing, exterior  
20 strapping, coatings, closures, inks, and labels, that is  
21 intended for the marketing, protection, or handling of a  
22 product intended for food contact or used to store food for  
23 sale.

24 d. "*Perfluoroalkyl substance*" or "*polyfluoroalkyl substance*"  
25 means a class of fluorinated organic chemicals containing at  
26 least one fully fluorinated carbon atom.

27 2. Except as otherwise provided, a person shall not  
28 knowingly manufacture, sell, offer for sale, distribute for  
29 sale, or distribute for use in this state food packaging,  
30 class B fire fighting foam, or fire fighting personal  
31 protective equipment to which a perfluoroalkyl substance or a  
32 polyfluoroalkyl substance has been intentionally added in any  
33 amount.

34 3. Subsection 2 does not apply to new food packaging, class  
35 B fire fighting foam, or fire fighting personal protective

1 equipment that is sold, offered for sale, or distributed for  
2 promotional purposes in the state by a retailer or wholesaler  
3 on or after January 1, 2020, that was imported into the  
4 state or otherwise purchased or acquired by the retailer or  
5 wholesaler for sale or distribution in the state prior to  
6 January 1, 2020.

7 Sec. 3. NEW SECTION. 455F.14 Class B fire fighting foam —  
8 prohibition — exceptions.

9 1. For purposes of this section, unless the context  
10 otherwise requires:

11 a. "*Class B fire fighting foam*" means the same as defined  
12 in section 455F.13.

13 b. "*Local government*" means a county, city, township, fire  
14 district, or other special purpose district that provides fire  
15 fighting services.

16 c. "*Perfluoroalkyl substance*" or "*polyfluoroalkyl substance*"  
17 means the same as defined in section 455F.13.

18 d. "*Terminal*" means a fuel storage and distribution facility  
19 that has been assigned a terminal control number by the federal  
20 internal revenue service.

21 2. Beginning January 1, 2020, a person, local government,  
22 or state agency shall not discharge or otherwise use for  
23 training purposes a class B fire fighting foam that contains a  
24 perfluoroalkyl substance or a polyfluoroalkyl substance that  
25 was intentionally added.

26 3. Subsection 2 does not apply to the use, manufacture,  
27 sale, or distribution of a class B fire fighting foam that  
28 includes a perfluoroalkyl substance or a polyfluoroalkyl  
29 substance that was intentionally added when the inclusion of  
30 the perfluoroalkyl substance or a polyfluoroalkyl substance  
31 is required by federal law. If an applicable federal law  
32 allows the use of an alternative fire fighting agent that does  
33 not contain a perfluoroalkyl substance or a polyfluoroalkyl  
34 substance, the department of public health may adopt rules  
35 that restrict the use, manufacture, sale, and distribution of

1 class B fire fighting foam for uses that are addressed by the  
2 applicable federal law.

3 4. Subsection 2 does not apply to the use, manufacture,  
4 sale, or distribution of a class B fire fighting foam that  
5 includes a perfluoroalkyl substance or a polyfluoroalkyl  
6 substance that was intentionally added when the class B fire  
7 fighting foam is used by a person operating a terminal.

8 Sec. 4. PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES  
9 ALTERNATIVES STUDY. The department of public health shall  
10 conduct a one-year study of alternatives to perfluoroalkyl  
11 and polyfluoroalkyl substances in food packaging. The  
12 department shall assess the prevalence of perfluoroalkyl and  
13 polyfluoroalkyl substances in food packaging and determine  
14 the risks posed to consumers in the state. The department  
15 shall identify safe alternative food packaging materials.  
16 The department shall submit a report to the general assembly  
17 detailing its findings and recommendations by December 31,  
18 2020.

19 Sec. 5. EFFECTIVE DATE. The following take effect January  
20 1, 2020:

21 The sections of this Act enacting sections 455F.12, 455F.13,  
22 and 455F.14.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with  
25 the explanation's substance by the members of the general assembly.

26 This bill relates to certain consumer products that contain  
27 certain chemicals.

28 The bill prohibits the sale of upholstered furniture that  
29 contains flame-retardant chemicals or chemical compounds in the  
30 state of Iowa. The bill makes exceptions for used upholstered  
31 furniture, certain upholstered furniture purchased for public  
32 use in public facilities, and new upholstered furniture that  
33 is otherwise subject to the prohibition but was imported into  
34 the state or otherwise purchased or acquired by a retailer  
35 or wholesaler for sale or distribution in the state prior to

1 January 1, 2020.

2 The bill prohibits the sale of food packaging, class B fire  
3 fighting foam, and fire fighting personal protective equipment  
4 that contains perfluoroalkyl or polyfluoroalkyl substances  
5 in the state of Iowa. The bill makes an exception for new  
6 food packaging, class B fire fighting foam, and fire fighting  
7 personal protective equipment that is otherwise subject to  
8 the prohibition but was imported into the state or otherwise  
9 purchased or acquired by a retailer or wholesaler for sale or  
10 distribution in the state prior to January 1, 2020.

11 The bill also prohibits a person, local government,  
12 or state agency from discharging or otherwise using for  
13 training purposes a class B fire fighting foam that contains  
14 a perfluoroalkyl or polyfluoroalkyl substance that was  
15 intentionally added, with certain exceptions.

16 The bill requires the department of public health to  
17 conduct a one-year study investigating perfluoroalkyl and  
18 polyfluoroalkyl substances in food packaging and finding safe  
19 alternative food packaging materials. The department shall  
20 submit a report of its findings and recommendations to the  
21 general assembly by December 31, 2020.

22 A violation of the provisions in the bill is a simple  
23 misdemeanor. The bill, except for the section requiring the  
24 department of public health to conduct a study, takes effect  
25 January 1, 2020.

26 A simple misdemeanor is punishable by confinement for no  
27 more than 30 days or a fine of at least \$65 but not more than  
28 \$625 or by both.