

By Senator Sobel

33-00406-15

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1                   A bill to be entitled  
2           An act relating to chemicals in consumer products;  
3           creating s. 381.989, F.S.; providing a statement of  
4           public policy regarding the identification of  
5           chemicals of high concern and the presence of such  
6           chemicals in consumer products designed for use by  
7           pregnant women and children; defining terms; requiring  
8           the Department of Health to publish on its website a  
9           list of chemicals of high concern by a specified date;  
10          specifying criteria for inclusion on and revision of  
11          the list; authorizing the department to participate  
12          with other states and governmental entities in an  
13          interstate clearinghouse established for specified  
14          purposes; providing an effective date.

15  
16          WHEREAS, thousands of toxic chemicals are present in  
17          consumer products intended for use by pregnant women and  
18          children which are used in and around residences, child care  
19          facilities, and schools, and

20          WHEREAS, exposure to harmful chemicals in consumer products  
21          specifically designated for use by pregnant women and children  
22          has been linked to devastating health conditions such as  
23          childhood cancer, asthma, premature puberty, infertility, and  
24          learning and developmental disabilities, and

25          WHEREAS, consumers, including pregnant women, parents,  
26          teachers, and business owners, need reliable information to  
27          ensure that they are able to make healthy choices about the  
28          products they buy, and

29          WHEREAS, abundant reliable, peer-reviewed scientific data

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30 currently exists regarding the health and safety concerns of  
31 toxic chemicals on pregnant women and children, and

32 WHEREAS, several states, including Maine, Washington, and  
33 Minnesota, have used the available peer-reviewed scientific data  
34 to produce lists of "chemicals of high concern" to inform the  
35 public about important public safety information regarding toxic  
36 chemicals, NOW, THEREFORE,

37  
38 Be It Enacted by the Legislature of the State of Florida:

39  
40 Section 1. Section 381.989, Florida Statutes, is created to  
41 read:

42 381.989 Chemicals of high concern in consumer products.—

43 (1) It is the policy of this state, consistent with its  
44 duty to protect the health, safety, and welfare of its citizens,  
45 to reduce the exposure of pregnant women and children to  
46 chemicals of high concern by publicly identifying such chemicals  
47 and encouraging substitution with safer alternatives whenever  
48 feasible.

49 (2) As used in this section, the term:

50 (a) "Chemical" means any element, compound, or mixture of  
51 elements or compounds, including breakdown products formed  
52 through decomposition, degradation, or metabolism.

53 (b) "Chemical of high concern" means a chemical identified  
54 by the department which meets the criteria established in  
55 subsection (4).

56 (c) "Children" or "child" means a person younger than 18  
57 years of age.

58 (d) "Consumer product" means an item designed or primarily

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59 intended for use by pregnant women or children, including  
60 component parts and packaging, which is sold for indoor or  
61 outdoor use in or around a residence, child care facility, or  
62 school.

63 (e) "Credible scientific evidence" means the results of a  
64 study, the experimental design and conduct of which has  
65 undergone independent scientific peer review, which are  
66 published in a peer-reviewed journal or in a publication of an  
67 authoritative federal or international governmental agency,  
68 including, but not limited to, the United States Department of  
69 Health and Human Services National Toxicology Program, the  
70 National Institute of Environmental Health Sciences, the United  
71 States Food and Drug Administration, the Centers for Disease  
72 Control and Prevention, the United States Environmental  
73 Protection Agency, the World Health Organization, and the  
74 European Chemicals Agency of the European Union.

75 (f) "Department" means the Department of Health.

76 (3) By January 1, 2016, the department, in consultation  
77 with other state agencies, shall publish on its website an  
78 initial list of at least 50 chemicals of high concern. The  
79 department shall review the list at least once every 2 years and  
80 revise it as needed.

81 (4) A chemical may be designated as a chemical of high  
82 concern if the department determines that the chemical meets the  
83 following criteria:

84 (a) Based on credible scientific evidence, the chemical is  
85 identified by a governmental agency as being known or likely to:

86 1. Harm the normal development of a fetus or child or cause  
87 other developmental toxicity;

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88       2. Cause cancer, genetic damage, or reproductive harm;

89       3. Damage the nervous system, immune system, hormone  
90 system, or organs or cause other systemic toxicity; or

91       4. Be persistent, bioaccumulative, and toxic.

92       (b) There is credible scientific evidence that the chemical  
93 has been added to, or is present in, a consumer product used or  
94 stored in or around a residence, child care facility, or school.

95       (5) The department may participate with other states and  
96 governmental entities in an interstate clearinghouse in order  
97 to:

98       (a) Promote the use of safer chemicals in consumer  
99 products.

100       (b) Organize and manage available data on chemicals,  
101 including information on uses, hazards, disposal, and  
102 environmental concerns.

103       (c) Produce and inventory information on safer alternatives  
104 to specific uses of chemicals of high concern and model policies  
105 and programs related thereto.

106       (d) Provide technical assistance to businesses and  
107 consumers related to the use of safer chemicals.

108       (e) Initiate other activities in support of state programs  
109 to promote the use of safer chemicals in consumer products.

110       Section 2. This act shall take effect July 1, 2015.