



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5885

by Rep. Martin J. Moylan

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Formaldehyde Banned in Children's Products Act. Provides that no manufacturer, wholesaler, or 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. Provides that a manufacturer shall not replace a chemical whose use is prohibited by the Act 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 cause certain harm.

LRB098 18088 RPM 53217 b

1 AN ACT concerning public health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Formaldehyde Banned in Children's Products Act.

6 Section 5. Definitions. In this Act:

7 "Child" means a person under 8 years of age.

8 "Children's product" means a product primarily  
9 designed or intended by a manufacturer to be physically  
10 applied to or introduced into a child's body, including any  
11 article used as a component of such a product and excluding  
12 a food, beverage, dietary supplement, pharmaceutical or  
13 biological product, a children's toy that is covered by the  
14 ASTM International F963 standard for Toy Safety, or a  
15 medical device as defined in the federal Food, Drug, and  
16 Cosmetic Act, United States Code, Title 21, Section 321(h),  
17 as amended through February 15, 2013.

18 Section 10. Formaldehyde in children's products; ban. No  
19 manufacturer, wholesaler, or retailer may sell or offer for  
20 sale in this State a children's product that intentionally  
21 contains:

22 (1) formaldehyde, including formaldehyde contained in

1 a solution; or

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

5 Section 15. Formaldehyde replacement chemicals.

6 (a) A manufacturer shall not replace a chemical whose use  
7 is prohibited in Section 10 of this Act with a chemical known  
8 to the manufacturer to have been identified on the basis of  
9 credible scientific evidence by a state, federal, or  
10 international agency as being known or suspected with a high  
11 degree of probability to:

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

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

16 (3) disrupt the endocrine or hormone system; or

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

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