§ 37-0901. Definitions.

As used in this title, unless the context otherwise indicates, the following terms have the following meanings.

1. "Children's apparel" means any item of clothing that consists of fabric or related material intended or promoted for use in children's clothing. Children's apparel does not mean protective equipment designed to prevent injury, including, but not limited to, bicycle helmets, athletic supporters, knee pads or elbow pads.

2. "Chemical" means a substance with a distinct molecular composition or a group of structurally related substances and includes the breakdown products of the substance or substances that form through decomposition, degradation or metabolism.

3. " Chemical of concern" means a chemical identified by the department by rule pursuant to subdivision one of section 37-0905 of this title.

4. "Children" means a person or persons aged twelve and under.

5. "Children's product" means a consumer product primarily intended for, made for or marketed for use by children, such as baby products, toys, car seats, school supplies, personal care products as defined in section 37-0117 of this article, a product designed or intended by the manufacturer to help a child with sucking or teething, to facilitate sleep, relaxation, or the feeding of a child, and children's novelty products, children's jewelry as defined in section 37-0115 of this article, children's bedding, furniture, furnishings, and apparel. "Children's product" does not include (a) batteries; (b) consumer electronic products and their component parts including but not limited to personal computers, audio and video equipment, calculators, wireless phones, game consoles, video toys that can be connected to a video screen and are operated at a nominal voltage exceeding twenty-four volts and handheld devices incorporating a video screen, used to access interactive software and their associated peripherals, accessories and

peripherals to children's electronic products including plugs, keyboards and headphones, interactive software, intended for leisure and entertainment, such as computer games, and their storage media, such as compact disks; or (c) sporting equipment including bicycles and tricycles, skis, snow boards, sleds, and roller skates; and hunting and fishing equipment or components thereof; (d) science kits including chemistry sets and model rockets; (e) toy engines and sets of darts with metallic points; (f) motor vehicles or their component parts, watercraft or their component parts, all-terrain vehicles or their component parts, or off-highway motorcycles or their component parts.

6. "Consumer product" means any product that is regularly used or purchased to be used for personal, family or household purposes. Consumer product shall not mean: (a) a food or beverage or an additive to a food or beverage regulated by the United States Food and Drug Administration; or (b) a drug, biologic or medical device regulated by the United States Food and Drug Administration.

7. "Distributor" means a person who sells children's products to retail establishments on a wholesale basis.

8. "Manufacturer" means any person who currently manufactures a children's product or whose brand name is affixed to the children's product. In the case of a children's product that was imported into the United States, "manufacturer" includes the importer or first domestic distributor of the children's product if the person who currently manufactures or assembles the children's product or whose brand name is affixed to the children's product does not have a presence in the United States.

9. "Practical quantification limit" means the lowest level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions.

10. "High-priority chemical" means (a) a chemical designated pursuant to paragraph (a) of subdivision two of section 37-0905 of this title; and

(b) a chemical adopted by the department pursuant to paragraph (b) of subdivision two of section 37-0905 of this title.

11. "Intentionally added chemical" means a chemical in a product that serves an intended function in the product component.

12. "Toy" means a product designed or intended by the manufacturer to be used by children at play.

13. "Trace contaminant" means a trace amount of a chemical or chemicals that is incidental to manufacturing, including an unintended by-product of chemical reactions during the manufacture of the children's product, a trace impurity in feed-stock, an incompletely reacted chemical mixture, or a degradation product.

14. "Very persistent" means having a half-life greater than or equal to one of the following: (a) a half-life in soil or sediment of greater than one hundred eighty days; (b) a half-life greater than or equal to sixty days in water or evidence of long-range transport.

15. "Very bioaccumulative" means having a bioconcentration factor or bioaccumulation factor greater than or equal to five thousand, or if neither are available, having a log Kow greater than 5.0.