§ 37-0903. Applicability.

1. New children's products. The provisions of this title shall apply to chemicals of concern and high-priority chemicals in children's products sold or distributed as new and does not apply to used children's products that are sold or distributed for free at secondhand stores, yard sales, on the internet or donated to charities.

2. Exceptions. (a) The requirements of this title shall not apply to high priority chemicals used in or for industry or manufacturing, including chemicals processed or otherwise used in or for industrial or manufacturing processes and not included in the final product.

(b) Combustion. The requirements of this title shall not apply to high-priority chemicals generated solely as combustion by-products or that are present in combustible fuels.

(c) Small business exception. The requirements of this title shall not apply to children's product manufacturers that employ five persons or fewer and are independently owned and operated.

(d) Retailers. A retailer is exempt from the requirements of this title unless that retailer knowingly sells a children's product containing a high-priority chemical after the effective date of its prohibition for which that retailer has received notification pursuant to section 37-0913 of this title.