§ 37-0909. Sales prohibition.

1. Effective January first, two thousand twenty-three, no person shall distribute, sell or offer for sale in this state a children's product in which tris (1, 3 dichloro-2-propyl) phosphate (CAS 13674-87-8), benzene (CAS 71-43-2),, or asbestos (CAS 1332-21-4) is intentionally added. This provision shall not apply: (a) to a children's product solely based on its containing an enclosed battery or enclosed electronic components; (b) where state regulation of children's products is preempted by federal law; (c) where the chemical is present as a trace contaminant; or (d) to an inaccessible component of a children's product that during reasonable, foreseeable use and abuse of the product would not come into direct contact with a child's skin or mouth, as determined by the department. The commissioner may exempt a children's product from this prohibition if, in the commissioner's judgment, the lack of availability of the children's product could pose an unreasonable risk to public health, safety or welfare.

2. (a) To the extent allowed by federal law, the department may, by regulation, prohibit the distribution, sale, or offer for sale in this state of a children's product that contains a chemical added to the high-priority chemicals list pursuant to section 37-0905 of this title, or a chemical recommended for prohibition by the children's product safety council pursuant to paragraph (b) of subdivision five of section 37-0911 of this title.

(b) In developing rules to prohibit a chemical pursuant to this subdivision, the department shall rely on credible scientific evidence and consider information relevant to the hazards based on the quantitative extent of potential exposures to the chemical under its intended or reasonably anticipated conditions of use.