**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39-1-100 SO AS TO PROHIBIT THE SALE OF A CHILDREN’S PRODUCT CONTAINING FORMALDEHYDE OR THAT RELEASES FORMALDEHYDE, AND TO PROVIDE THAT MANUFACTURERS MAY NOT REPLACE FORMALDEHYDE WITH OTHER HARMFUL CHEMICALS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 1, Title 39 of the 1976 Code is amended by adding:

“Section 39-1-100. (A) For purposes of this section:

(1) ‘Child’ means a person under eighteen years of age.

(2) ‘Children’s product’ means a product primarily designed or intended by a manufacturer to be physically applied to or introduced into a child’s body, including any article used as a component of such product. However, the term does not include a food, beverage, dietary supplement, pharmaceutical product, or biologic, children’s toys that are covered by the American Society of Testing and Materials (ASTM) International F963 standard for Toy Safety, or a medical device as defined in the Food, Drug, and Cosmetic Act, 21 U.S.C. Section 321(h), as amended through February 15, 2013.

(B) Beginning January 1, 2016, no manufacturer or wholesaler 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.

(C) Beginning January 1, 2017, no 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.

(D) A manufacturer shall not replace a chemical whose use is prohibited by this section 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:

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

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

(3) disrupt the endocrine or hormone system; or

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

SECTION 2. This act takes effect upon approval by the Governor.

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