

**§1691. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2007, c. 643, §2 (NEW).]

**1. Alternative.** "Alternative" means a substitute process, product, material, chemical, strategy or combination of these that serves a functionally equivalent purpose to a chemical in a children's product. [PL 2007, c. 643, §2 (NEW).]

**2. Chemical.** "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. [PL 2007, c. 643, §2 (NEW).]

**2-A. Chemical of concern.** "Chemical of concern" means a chemical identified by the department pursuant to section 1693. [PL 2011, c. 319, §2 (NEW).]

**3. Chemical of high concern.** "Chemical of high concern" means a chemical identified by the department pursuant to section 1693-A. [PL 2011, c. 319, §2 (AMD).]

**4. Chemical of low concern.** "Chemical of low concern" means a chemical for which adequate toxicity and environmental data are available to determine that it is not a chemical of high concern, a chemical of concern, a chemical of potential concern or a chemical of unknown concern. [PL 2011, c. 319, §2 (AMD).]

**5. Chemical of potential concern.** "Chemical of potential concern" means a chemical identified by an authoritative governmental entity on the basis of credible scientific evidence as being suspected of causing an adverse health or environmental effect listed in section 1693, subsection 1. [PL 2011, c. 319, §2 (AMD).]

**6. Chemical of unknown concern.** "Chemical of unknown concern" means a chemical for which insufficient data are available to classify it as a chemical of high concern, a chemical of concern, a chemical of potential concern or a chemical of low concern. [PL 2011, c. 319, §2 (AMD).]

**7. Children's product.** "Children's product" means a consumer product intended for, made for or marketed for use by children under 12 years of age, such as baby products, toys, car seats, personal care products and clothing, and any consumer product containing a chemical of high concern that when used or disposed of will likely result in a child under 12 years of age or a fetus's being exposed to that chemical. [PL 2011, c. 319, §2 (AMD).]

**8. Consumer product.** "Consumer product" means any item sold for residential or commercial use, including any component parts and packaging, that is sold for:

A. An indoor use in a residence, child care facility or school; or [PL 2011, c. 319, §2 (NEW).]

B. An outdoor residential use if a child under 12 years of age may have direct contact with the item. [PL 2011, c. 319, §2 (NEW).]

"Consumer product" does not include a food or beverage or an additive to a food or beverage, a tobacco product or paper or forest products or a pesticide regulated by the United States Environmental Protection Agency. "Consumer product" also does not include a drug or biologic regulated by the United States Department of Health and Human Services, Food and Drug Administration or the packaging of a drug or biologic regulated by the Food and Drug Administration if the packaging is

regulated by the Food and Drug Administration. "Consumer product" also does not include an item sold for outdoor residential use that consists of a composite material made from polyester resins.

[PL 2011, c. 319, §2 (AMD).]

**8-A. Credible scientific evidence.** "Credible scientific evidence" means the results of a study, the experimental design and conduct of which have undergone independent scientific peer review, that are published in a peer-reviewed journal or publication of an authoritative federal or international governmental agency, including but not limited to the United States Department of Health and Human Services, National Toxicology Program, Food and Drug Administration and Centers for Disease Control and Prevention; the United States Environmental Protection Agency; the World Health Organization; and the European Union, European Chemicals Agency.

[PL 2011, c. 319, §2 (NEW).]

**8-B. De minimis level.** "De minimis level" means:

A. For a chemical of high concern or priority chemical that is an intentionally added chemical in a component of a children's product, the practical quantification limit; or [PL 2011, c. 319, §2 (NEW).]

B. For a chemical of high concern or priority chemical that is a contaminant present in a component of a children's product, a concentration of 100 parts per million. [PL 2011, c. 319, §2 (NEW).]  
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**9. Distributor.** "Distributor" means a person who sells consumer products to retail establishments on a wholesale basis.

[PL 2007, c. 643, §2 (NEW).]

**9-A. Intentionally added chemical.** "Intentionally added chemical" means a chemical that was added during the manufacture of a product or product component to provide a specific characteristic, appearance or quality or to perform a specific function.

[PL 2011, c. 319, §2 (NEW).]

**10. Manufacturer.** "Manufacturer" means any person who manufactured a final consumer product or whose brand name is affixed to the consumer product. In the case of a consumer product that was imported into the United States, "manufacturer" includes the importer or first domestic distributor of the consumer product if the person who manufactured or assembled the consumer product or whose brand name is affixed to the consumer product does not have a presence in the United States.

[PL 2007, c. 643, §2 (NEW).]

**10-A. Practical quantification limit.** "Practical quantification limit" means the lowest concentration of a chemical that can be reliably measured within specified limits of precision, accuracy, representativeness, completeness and comparability during routine laboratory operating conditions. The practical quantification limit is based on scientifically defensible, standard analytical methods. The practical quantification limit for a given chemical may be different depending on the matrix and the analytical method used.

[PL 2011, c. 319, §2 (NEW).]

**11. Priority chemical.** "Priority chemical" means a chemical identified as such by the department pursuant to section 1694, subsection 1.

[PL 2019, c. 315, §15 (AMD).]

**12. Safer alternative.** "Safer alternative" means an alternative that, when compared to a priority chemical that it could replace, would reduce the potential for harm to human health or the environment or that has not been shown to pose the same or greater potential for harm to human health or the environment as that priority chemical.

[PL 2007, c. 643, §2 (NEW).]

## SECTION HISTORY

PL 2007, c. 643, §2 (NEW). PL 2011, c. 319, §2 (AMD). PL 2019, c. 315, §15 (AMD).

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