

1 S.139

2 Senator Lyons moves that the bill be amended in Sec. 12, 18 V.S.A. § 1776,  
3 by striking out subsection (b) before the colon in its entirety and inserting in  
4 lieu thereof the following:

5 (b) Additional chemicals of concern to children. The Commissioner may  
6 by rule add additional chemicals to the list of chemicals of high concern to  
7 children, provided that the Commissioner of Health, on the basis of ~~the weight~~  
8 evaluation of credible, scientific evidence, has determined that a chemical  
9 proposed for addition to the list meets both of the following criteria in  
10 subdivisions (1) and (2) of this subsection

11 and by striking out subsection (d) in its entirety and inserting in lieu thereof the  
12 following:

13 (d) Rule to regulate sale or distribution.

14 (1) The Commissioner, ~~upon the recommendation of~~ after consultation  
15 with the Chemicals of High Concern to Children Working Group, may adopt a  
16 rule to regulate the sale or distribution of a children's product containing a  
17 chemical of high concern to children upon a determination that:

18 (A) ~~children will be exposed to a chemical of high concern to~~  
19 ~~children in the children's product~~ there is reasonable risk of exposure of  
20 children to the chemical of high concern; and

1           (B) ~~there is a probability that, due to the degree of exposure or~~  
2 ~~frequency of exposure of a child to a chemical of high concern to children in a~~  
3 ~~children's product, exposure could cause or contribute to one or more of the~~  
4 ~~adverse health impacts listed under subdivision (b)(1) of this section one or~~  
5 ~~more safer and technically and economically feasible alternatives to the~~  
6 ~~chemical of high concern to children are available.~~

7           (2) In determining whether children will be exposed to a chemical of  
8 high concern in a children's product, the Commissioner shall review available,  
9 credible information regarding:

10           (A) the market presence of the children's product in the State;

11           (B) the type or occurrence of exposures to the relevant chemical of  
12 high concern to children in the children's product;

13           (C) the household and workplace presence of the children's  
14 product; or

15           (D) the potential and frequency of exposure of children to the  
16 chemical of high concern to children in the children's product.