

38 §1691. DEFINITIONS

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As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [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.

[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.

[2007, c. 643, §2 (NEW) .]

3. Chemical of high concern. "Chemical of high concern" means a chemical identified by the department pursuant to section 1693.

[2007, c. 643, §2 (NEW) .]

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 moderate concern or a chemical of unknown concern.

[2007, c. 643, §2 (NEW) .]

5. Chemical of moderate concern. "Chemical of moderate 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.

[2007, c. 643, §2 (NEW) .]

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 moderate concern or a chemical of low concern.

[2007, c. 643, §2 (NEW) .]

7. Children's product. "Children's product" means a consumer product intended for use by children, 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's or a fetus's being exposed to that chemical.

[2007, c. 643, §2 (NEW) .]

8. Consumer product. "Consumer product" means any item sold for residential or commercial use, including any component parts and packaging. "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 federal Environmental Protection Agency. "Consumer product" also does not include a drug or biologic

regulated by the federal Food and Drug Administration or the packaging of a drug or biologic regulated by the federal Food and Drug Administration if the packaging is regulated by the federal Food and Drug Administration.

[2007, c. 643, §2 (NEW) .]

9. Distributor. "Distributor" means a person who sells consumer products to retail establishments on a wholesale basis.

[2007, c. 643, §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.

[2007, c. 643, §2 (NEW) .]

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

[2007, c. 643, §2 (NEW) .]

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.

[2007, c. 643, §2 (NEW) .]

SECTION HISTORY

2007, c. 643, §2 (NEW) .

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