



General Assembly

Substitute Bill No. 292

February Session, 2024



AN ACT CONCERNING THE USE OF PFAS IN CERTAIN PRODUCTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2024*) (a) For purposes of this
2 section:

3 (1) "Adult mattress" means a mattress other than a crib mattress or
4 toddler mattress.

5 (2) "Air care product" means a chemically formulated consumer
6 product labeled to indicate that the purpose of the product is to enhance
7 or condition the indoor environment by eliminating odors or freshening
8 the air.

9 (3) "Apparel" means any of the following: (A) Clothing items
10 intended for daily wear or formal occasions, including, but not limited
11 to, undergarments, shirts, pants, skirts, dresses, overalls, bodysuits,
12 costumes, vests, dancewear, suits, saris, scarves, tops, leggings, school
13 uniforms, leisurewear, athletic wear, sports uniforms, swimwear,
14 formal wear, onesies, bibs, diapers, footwear, accessories, handbags,
15 backpacks and uniforms for workwear. "Apparel" does not include
16 personal protective equipment or clothing items for exclusive use by the
17 United States military; (B) outdoor apparel; or (C) outdoor apparel for
18 severe wet conditions.

19 (4) "Automotive maintenance product" means a chemically
20 formulated consumer product labeled to indicate that the purpose of the
21 product is to maintain the appearance of a motor vehicle, including, but
22 not limited to, products for washing, waxing, polishing, cleaning or
23 treating the exterior or interior surfaces of motor vehicles. "Automotive
24 maintenance product" does not include automotive paint or paint repair
25 products.

26 (5) "Carpet or rug" means a fabric marketed or intended for use as a
27 floor covering. "Carpet or rug" does not include a covering intended
28 solely for use inside automobiles, light duty trucks, vans, buses or any
29 other vehicle.

30 (6) "Children's product" means a product designed or marketed for
31 use by infants and children under twelve years of age, including, but
32 not limited to, a baby or toddler foam pillow, bassinet, bedside sleeper,
33 booster seat, changing pad, child restraint system for use in motor
34 vehicles and aircraft, co-sleeper, crib mattress, highchair, highchair pad,
35 infant bouncer, infant carrier, infant seat, infant sleep positioner, infant
36 swing, infant travel bed, infant walker, nap cot, nursing pad, nursing
37 pillow, play mat, playpen, play yard, polyurethane foam mat, pad or
38 pillow, portable foam nap mat, portable infant sleeper, portable hook-
39 on chair, soft-sided portable crib, stroller or toddler mattress.
40 "Children's product" does not include any children's electronic product
41 such as a personal computer, audio and video equipment, calculator,
42 wireless phone, game console, handheld device incorporating a video
43 screen or any associated peripheral such as a mouse, keyboard, power
44 supply unit or power cord or an adult mattress.

45 (7) "Cleaning product" means a finished product used primarily for
46 domestic, commercial or institutional cleaning purposes, including, but
47 not limited to, an air care product, an automotive maintenance product,
48 a general cleaning product or a polish or floor maintenance product.

49 (8) "Commissioner" means the Commissioner of Energy and
50 Environmental Protection.

51 (9) "Cookware" means durable houseware items used to prepare,
52 dispense or store food, foodstuffs or beverages, including, but not
53 limited to, pots, pans, skillets, grills, baking sheets, baking molds, trays,
54 bowls and cooking utensils.

55 (10) "Cosmetic" means articles, excluding soap, that are intended to
56 be rubbed, poured, sprinkled or sprayed on, introduced into or
57 otherwise applied to the human body or any part thereof for the
58 purpose of cleansing, beautifying, promoting attractiveness or altering
59 the appearance of, and any item intended for use as a component of any
60 such article.

61 (11) "Fabric treatment" means a substance applied to fabric to give the
62 fabric one or more characteristics, including, but not limited to, stain or
63 water resistance.

64 (12) "Intentionally added" means PFAS deliberately added during the
65 manufacture of a product where the continued presence of PFAS is
66 desired in the final product or one of the product's components to
67 perform a specific function.

68 (13) "Manufacturer" means the person that creates or produces a
69 product or whose brand name is affixed to the product and for any
70 product imported into the United States, the manufacturer includes the
71 importer or first domestic distributor of the product if the person that
72 manufactured or assembled the product or whose brand name is affixed
73 to the product does not have a presence in the United States.

74 (14) "Medical device" has the same meaning as "device", as provided
75 in 21 USC 321(h).

76 (15) "Outdoor apparel" means clothing items intended primarily for
77 outdoor activities, including, but not limited to, hiking, camping, skiing,
78 climbing, bicycling and fishing.

79 (16) "Outdoor apparel for severe wet conditions" means outdoor
80 apparel that are extreme and extended-use products designed for

81 outdoor sports experts for applications that provide protection against
82 extended exposure to extreme rain conditions or against extended
83 immersion in water or wet conditions, such as from snow, in order to
84 protect the health and safety of the user and that are not marketed for
85 general consumer use, including, but not limited to, outerwear for
86 offshore fishing, offshore sailing, whitewater kayaking and
87 mountaineering.

88 (17) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS"
89 means a class of fluorinated organic chemicals containing at least one
90 fully fluorinated carbon atom.

91 (18) "Personal protective equipment" means equipment worn to
92 minimize exposure to hazards that cause serious workplace injuries and
93 illnesses that may result from contact with chemical, radiological,
94 physical, biological, electrical, mechanical or other workplace or
95 professional hazards.

96 (19) "Product" means any item manufactured, assembled, packaged
97 or otherwise prepared for sale to consumers, including, but not limited
98 to, its product components, sold or distributed for personal, residential,
99 commercial or industrial use, including for use in making other
100 products.

101 (20) "Product component" means any identifiable component of a
102 product, regardless of whether the manufacturer of the product is the
103 manufacturer of the component.

104 (21) "Ski wax" means any lubricant applied to the bottom of snow
105 runners, including, but not limited to, skis and snowboards, to improve
106 grip or glide properties. "Ski wax" includes any related tuning products.

107 (22) "Textile" means any item made, in whole or in part, from a
108 natural or synthetic fiber, yarn or fabric, including, but not limited to,
109 leather, cotton, silk, jute, hemp, wool, viscose, nylon or polyester.

110 (23) "Textile furnishings" means textile goods of a type customarily

111 used in households and businesses, including, but not limited to,
112 draperies, floor coverings, furnishings, bedding, shower curtains,
113 towels and tablecloths.

114 (24) "Upholstered furniture" means an article of furniture that is
115 designed to be used for sitting, resting or reclining and that is wholly or
116 partly stuffed or filled with any filling material.

117 (b) (1) On or before January 1, 2027, each manufacturer of a product
118 sold, offered for sale or distributed in this state that contains
119 intentionally added PFAS shall submit to the Commissioner of Energy
120 and Environmental Protection information that includes: (A) A brief
121 description of the product, including a universal product code, stock-
122 keeping unit or other numeric code assigned to such product; (B) the
123 purpose for which PFAS is used in the product, including in any
124 product component; (C) the amount of each PFAS, identified by its
125 chemical abstracts service registry number, in the product, reported as
126 an exact quantity determined using commercially available analytical
127 methods or as falling within a range approved for reporting purposes
128 by the commissioner; (D) the name and address of such manufacturer
129 and the name, address and phone number of a contact person for the
130 manufacturer; and (E) any additional information requested by the
131 commissioner as necessary to implement the requirements of this
132 section.

133 (2) With the approval of the commissioner, a manufacturer may
134 supply the information required in subdivision (1) of this subsection for
135 a category or type of product rather than for each individual product.

136 (3) A manufacturer shall submit the information required in
137 subdivision (1) of this subsection whenever a new product that contains
138 intentionally added PFAS is sold, offered for sale or distributed in this
139 state by the manufacturer and such manufacturer shall update and
140 revise such information whenever there is significant change in such
141 information or when requested to do so by the commissioner.

142 (4) No person may sell, offer for sale or distribute for sale in this state

143 any product that contains intentionally added PFAS if the manufacturer
144 failed to provide the information required in subdivision (1) of this
145 subsection and such person receives notification of such prohibition
146 from the commissioner in accordance with subsection (d) of this section.

147 (c) (1) Notwithstanding the provisions of subsection (b) of this
148 section, the commissioner may waive all or part of the information
149 requirements of subsection (b) of this section if the commissioner
150 determines that substantially equivalent information is already publicly
151 available. The commissioner may grant a waiver under this subdivision
152 to a manufacturer or a group of manufacturers for multiple products or
153 a product category.

154 (2) For a pesticide regulated under chapter 441 of the general statutes,
155 a fertilizer regulated under chapter 427a of the general statutes, an
156 agricultural liming material or a soil amendment regulated under
157 chapter 427b of the general statutes, a manufacturer may satisfy the
158 requirements of subsection (b) of this section by submitting the
159 information required by such subsection as part of the manufacturer's
160 annual registration or approval process under chapter 441, 427a or 427b
161 of the general statutes, as applicable. For information that is regulated
162 under chapter 441, 427a or 427b of the general statutes, as applicable, the
163 commissioner and the Commissioner of Agriculture shall jointly
164 determine whether to make the information publicly available based on
165 such applicable statutes.

166 (3) Notwithstanding the provisions of subsection (b) of this section,
167 the Commissioner of Energy and Environmental Protection may enter
168 into an agreement with one or more other states or political subdivisions
169 of a state to collect information and may accept information to such a
170 shared system as meeting the information requirement in subsection (b)
171 of this section.

172 (4) Notwithstanding the provisions of subsection (b) of this section,
173 the Commissioner of Energy and Environmental Protection may extend
174 the deadline for submission by a manufacturer of the information

175 required in subsection (b) of this section if said commissioner
176 determines that more time is needed by the manufacturer to comply
177 with such submission requirement.

178 (d) (1) Whenever the commissioner has reason to believe that a
179 product contains intentionally added PFAS and the product is being
180 offered for sale in this state, the commissioner may direct the
181 manufacturer of the product to, not later than thirty days after receipt of
182 notice from the commissioner, provide the commissioner with testing
183 results that demonstrate the amount of PFAS, identified by each of its
184 chemical abstracts service registry numbers, that are in the product,
185 reported as an exact quantity determined using commercially available
186 analytical methods or as falling within a range approved for reporting
187 purposes by the commissioner.

188 (2) If such testing demonstrates that the product does not contain
189 intentionally added PFAS, the manufacturer shall provide the
190 commissioner a certificate attesting that the product does not contain
191 intentionally added PFAS, including such testing results and any other
192 relevant information.

193 (3) If testing demonstrates that the product contains intentionally
194 added PFAS, the manufacturer shall provide the commissioner with the
195 testing results and the information required in subsection (b) of this
196 section.

197 (4) Each manufacturer shall notify any person who sells, or offers for
198 sale a product prohibited under subdivision (4) of subsection (b) of this
199 section or subsection (e) of this section that the sale of such product is
200 prohibited in this state and such manufacturer shall provide the
201 Commissioner of Energy and Environmental Protection with a list of the
202 names and addresses of any person notified pursuant to this
203 subdivision.

204 (5) The commissioner may notify persons who sell or offer for sale a
205 product prohibited under subdivision (4) of subsection (b) of this section
206 or subsection (e) of this section that the sale of such product is prohibited

207 in this state.

208 (e) On and after January 1, 2026, no person shall sell, offer for sale or
209 distribute for sale in this state any of the following products if the
210 product contains intentionally added PFAS: (1) Apparel; (2) carpets or
211 rugs; (3) cleaning products; (4) cookware; (5) cosmetics; (6) dental floss;
212 (7) fabric treatments; (8) children's products; (9) menstruation products;
213 (10) textile furnishings; (11) ski wax; or (12) upholstered furniture.

214 (f) The Commissioner of Energy and Environmental Protection may
215 adopt regulations, in accordance with chapter 54 of the general statutes,
216 to establish a fee payable by each manufacturer to the commissioner
217 upon submission of the information required in subsection (b) of this
218 section to cover the Department of Energy and Environmental
219 Protection's reasonable costs to implement the provisions of this section.

220 (g) (1) The Commissioner of Energy and Environmental Protection
221 may enforce the provisions of this section pursuant to section 22a-6 of
222 the general statutes. The Commissioner of Energy and Environmental
223 Protection may coordinate with the Commissioners of Agriculture,
224 Consumer Protection and Public Health in enforcing this section.

225 (2) When requested by the Commissioner of Energy and
226 Environmental Protection, any person shall furnish to the commissioner
227 any information that the person may have or may reasonably obtain that
228 is relevant to show compliance with the provisions of this section.

229 (h) (1) The provisions of this section shall not be construed to apply
230 to: (A) Any product for which federal law governs the presence of PFAS
231 in the product in a manner that preempts state authority; (B) any
232 product regulated under section 22a-903a or 22a-255i of the general
233 statutes; or (C) the sale or resale of a used product.

234 (2) The provisions of subsections (d) and (e) of this section shall not
235 be construed to apply to any prosthetic or orthotic device or to any
236 product that is a medical device or drug or that is otherwise used in a
237 medical setting or in medical applications regulated by the United States

238 Food and Drug Administration.

239 (3) Notwithstanding any other provision of this section, the
240 provisions of subsections (d) and (e) of this section shall not be
241 construed to apply to outdoor apparel for severe wet conditions until
242 January 1, 2028, provided on and after January 1, 2026, no person shall
243 distribute, sell or offer for sale in this state any new or not-previously-
244 used outdoor apparel for severe wet conditions that contains PFAS
245 unless such product is accompanied by a legible and easily discernable
246 disclosure with the statement "Made with PFAS chemicals", including
247 for any online listing of such products for sale.

248 (i) No biosolids or wastewater sludge that contains PFAS may be
249 used, sold or offered for sale in this state as a soil amendment.

250 Sec. 2. Section 22a-903b of the 2024 supplement to the general statutes
251 is repealed and the following is substituted in lieu thereof (*Effective from*
252 *passage*):

253 There is established an account to be known as the PFAS Testing
254 account which shall be a separate, nonlapsing account within the
255 General Fund. Moneys in such account shall be used by the
256 Commissioner of Energy and Environmental Protection, in consultation
257 with the Commissioner of Public Health, to provide municipalities, as
258 defined in section 7-381, and school districts with grants or
259 reimbursements to test for the presence of PFAS contamination in
260 drinking water supplies and to remediate any such contamination. Such
261 account shall contain all moneys required by law to be deposited in such
262 account. Such account may receive funds from private or public sources,
263 including, but not limited to, the federal government. For the purposes
264 of this section, "PFAS" has the same meaning as provided in section 22a-
265 255h.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	New section

Sec. 2	<i>from passage</i>	22a-903b
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Statement of Legislative Commissioners:

In Section 1(3)(C), "intended" was deleted for consistency with other provisions of Section 1.

ENV *Joint Favorable Subst.*