

HB 2400 -- PRODUCTS CONTAINING INTENTIONALLY ADDED PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES

SPONSOR: Murray

Before January 1, 2027, this bill requires the manufacturer of any product sold, offered for sale, or distributed in the State that contains intentionally added Perfluoroalkyl and polyfluoroalkyl substances (PFAS) to submit to the Director of the Department of Natural Resources certain information outlined in the bill about the product. A manufacturer must submit the information whenever a new product that contains intentionally added PFAS is sold, offered for sale, or distributed; and must update and revise the information when there is significant change in the information, or at the request of the director.

A person must not sell, offer for sale, or distribute for sale a product containing intentionally added PFAS if the manufacturer has failed to provide the required information required under this section and the person has received notification as specified in the bill. The director can waive the information requirement if the director determines that substantially equivalent information is already publicly available.

The director can enter into an agreement with other states or political subdivisions of a state to collect information and can accept information to a shared system as meeting the information requirement.

If the director has reason to believe that a product contains intentionally added PFAS and the product is being offered for sale in this state, the director can direct the manufacturer to, within 30 days, provide the director with testing results that demonstrate the amount of each of the PFAS in the product. If testing demonstrates that the product does not contain intentionally added PFAS, the manufacturer must provide a certificate attesting that the product does not contain intentionally added PFAS. If testing demonstrates that the product contains intentionally added PFAS, the manufacturer must provide the director with the testing results and the information required under this bill.

A manufacturer must notify people who sell a prohibited product that the sale of that product is prohibited in this state and provide the director with a list of the names and addresses of those notified.

Beginning January 1, 2027, a person may not sell, offer for sale, or distribute for sale in this state the following products if the product contains intentionally added PFAS:

- (1) Carpets or rugs;
- (2) Cleaning products;
- (3) Cookware;
- (4) Cosmetics;
- (5) Dental floss;
- (6) Fabric treatments;
- (7) Juvenile products;
- (8) Menstruation products;
- (9) Textile furnishings;
- (10) Ski wax; or
- (11) Upholstered furniture.

The director can identify additional products by category or use that must not be sold if they contain intentionally added PFAS.

Beginning January 1, 2033, a person can not sell any product that contains intentionally added PFAS unless the director has determined that the use of PFAS in the product is a currently unavoidable use. The director may not determine that the use of PFAS in certain products specified in the bill is a currently unavoidable use.

The prohibition of sales of these products will not apply to any law or regulation relating to PFAS in food packaging and fire suppression foam for firefighters.

In the enforcement of this prohibition, the director can coordinate with the Department of Agriculture, Department of Commerce and Insurance, and Department of Health and Senior Services, as needed.

Any person who willfully violates the provisions of the bill is guilty of a misdemeanor and, upon conviction, will be fined not more than \$500 or imprisoned for not more than one year, or be subject to both fine and imprisonment.

The director will establish by rule a fee paid by a manufacturer to cover the Department's reasonable costs for implementation of this bill.