

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 22-0351.01 Sarah Lozano x3858

HOUSE BILL 22-1345

HOUSE SPONSORSHIP

Cutter and Bradfield, Amabile, Bacon, Bernett, Bird, Boesenecker, Duran, Exum, Froelich, Hooton, Jodeh, Kipp, Lindsay, Lontine, McCormick, Michaelson Jenet, Ricks, Sirota, Sullivan, Titone, Valdez A.

SENATE SPONSORSHIP

Gonzales and Lee, Bridges, Buckner, Danielson, Donovan, Fenberg, Fields, Hansen, Jaquez Lewis, Kolker, Moreno, Pettersen, Story, Winter, Zenzinger

House Committees

Energy & Environment
Finance
Appropriations

Senate Committees

Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO INCREASE PROTECTIONS FROM**
102 **PERFLUOROALKYL AND POLYFLUOROALKYL CHEMICALS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Section 1 of the bill enacts the "Perfluoroalkyl and Polyfluoroalkyl Chemicals Consumer Protection Act" to establish a regulatory scheme that collects information from product manufacturers regarding the use of perfluoroalkyl and polyfluoroalkyl chemicals (PFAS chemicals) in their products and phases out the sale or distribution of products that contain intentionally added PFAS chemicals. **Section 1** requires

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 3rd Reading
May 9, 2022

SENATE
Amended 2nd Reading
May 6, 2022

HOUSE
3rd Reading Unamended
May 2, 2022

HOUSE
Amended 2nd Reading
April 29, 2022

manufacturers of products that are sold or distributed in the state and that contain intentionally added PFAS chemicals to provide written notification (notification) to the executive director (executive director) of the Colorado department of public health and environment (department) that provides:

- The trade name of the product;
- A description of the purpose that PFAS chemicals serve in the product;
- Contact information for the manufacturer; and
- Any additional information required by the executive director.

For manufacturers that were already selling or distributing a product containing intentionally added PFAS chemicals in the state before January 1, 2025, the notification must be made no later than 30 days before January 1, 2025. For manufacturers that begin to sell or distribute a product containing intentionally added PFAS chemicals in the state on or after January 1, 2025, the notification must be made at least 30 days after the manufacturer begins selling or distributing the product in the state.

No later than 30 days after the executive director receives a notification, the executive director shall publish the trade name of the product and manufacturer name on the department's website. A manufacturer submitting the notification to the executive director must pay a fee established by the executive director. The fee will be credited to the perfluoroalkyl and polyfluoroalkyl substances cash fund (fund).

On and after January 1, 2024, a person shall not sell or distribute in the state any products in the following product categories if the products contain intentionally added PFAS chemicals:

- Carpets or rugs;
- Cookware;
- Cosmetics;
- Fabric treatments;
- Food packaging;
- Juvenile products;
- Oil and gas products;
- Textile furnishings; and
- Upholstered furniture.

No later than January 1, 2025, the executive director will identify by rule a list of priority products and priority product categories. No later than December 31, 2027, the executive director will promulgate rules prohibiting the sale or distribution of said priority products or priority product categories that contain intentionally added PFAS chemicals and that have not been exempted by the executive director.

No later than January 1, 2028, the executive director will identify by rule another list of priority products or priority product categories. No

later than December 31, 2030, the executive director will promulgate rules prohibiting the sale or distribution of said priority products or priority product categories that contain intentionally added PFAS chemicals and that have not been exempted by the executive director.

A manufacturer or consumer that applies for an exemption for a priority product or priority product category identified by the executive director must pay a fee established by the executive director. The fee will be credited to the fund.

Section 2 includes products that do not contain intentionally added PFAS chemicals in the definition of "environmentally preferable products" for the purposes of state agency procurement.

The bill also:

- Defines certain terminology (**section 3**);
- As of January 1, 2024, repeals the exemption for gasoline distribution facilities, refineries, and chemical plants from the restriction (sales restriction) on the sale of class B firefighting foam (firefighting foam) that contains PFAS chemicals (**section 4**);
- As of January 1, 2024, allows the executive director to grant a temporary exemption from the sales restriction for the purchase of firefighting foam that is used to extinguish class B fires at a facility that engages in the wholesale distribution of crude petroleum (**section 4**);
- Requires a person that uses firefighting foam to prohibit a release of the firefighting foam into the environment, fully contain the firefighting foam during its use, safely store the firefighting foam, and report certain information to the water quality spills hotline within 24 hours if there is a release of the firefighting foam into the environment (**section 5**);
- Requires a person that uses firefighting foam to report its use to the water quality spills hotline within 24 hours after the use (**section 5**); and
- Authorizes the attorney general to enforce laws regulating firefighting foams that contain PFAS chemicals (**section 6**).

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 6 to article
3 15 of title 25 as follows:

4 **PART 6**

5 **PERFLUOROALKYL AND POLYFLUOROALKYL CHEMICALS**

1 **25-15-601. Short title.** THE SHORT TITLE OF THIS PART 14 IS THE
2 "PERFLUOROALKYL AND POLYFLUOROALKYL CHEMICALS CONSUMER
3 PROTECTION ACT".

4 **25-15-602. Legislative declaration.** (1) THE GENERAL ASSEMBLY
5 HEREBY FINDS AND DECLARES THAT:

6 (a) CONTAMINATION OF THE SOIL AND WATER IN THE STATE FROM
7 PFAS CHEMICALS POSES A SIGNIFICANT THREAT TO THE ENVIRONMENT OF
8 THE STATE AND THE HEALTH OF ITS RESIDENTS;

9 (b) A GROWING BODY OF SCIENTIFIC RESEARCH HAS FOUND THAT
10 EXPOSURE TO PFAS CHEMICALS MAY LEAD TO SERIOUS AND HARMFUL
11 HEALTH EFFECTS;

12 (c) THE FULL EXTENT OF THE CONTAMINATION OF PFAS
13 CHEMICALS IN THE SOIL AND WATER OF THE STATE IS NOT CURRENTLY
14 KNOWN BUT IS ANTICIPATED TO BE WIDESPREAD AND TO REQUIRE A
15 SIGNIFICANT EXPENDITURE OF RESOURCES TO BE IDENTIFIED AND
16 REMEDIATED;

17 (d) PFAS CHEMICALS CONTINUE TO BE USED IN PRODUCTS ACROSS
18 A VARIETY OF INDUSTRIES AND FOR MANY DIFFERENT PURPOSES;

19 (e) PFAS CHEMICALS ARE NOT NECESSARY IN MANY PRODUCTS
20 AND COULD BE REPLACED WITH LESS HARMFUL CHEMICALS OR
21 TECHNOLOGIES; AND

22 (f) IF THE WIDESPREAD SALE AND DISTRIBUTION OF PRODUCTS
23 THAT CONTAIN INTENTIONALLY ADDED PFAS CHEMICALS CONTINUES IN
24 THE STATE:

25 (I) THERE IS A LARGER RISK OF PFAS CHEMICALS MIGRATING INTO
26 THE NATURAL ENVIRONMENT;

27 (II) RESIDENTS OF THE STATE WILL LIKELY SUFFER ADVERSE

1 HEALTH EFFECTS FROM EXPOSURE TO PFAS CHEMICALS; AND

2 (III) THE STATE AND LOCAL COMMUNITIES WILL BE BURDENED
3 WITH THE TESTING, MONITORING, AND CLEAN-UP COSTS NECESSARY TO
4 KEEP RESIDENTS SAFE FROM EXPOSURE TO PFAS CHEMICALS.

5 (2) THE GENERAL ASSEMBLY THEREFORE DETERMINES AND
6 DECLARES THAT IT IS IMPERATIVE FOR THE HEALTH AND SAFETY OF THE
7 STATE'S RESIDENTS TO CREATE A REGULATORY SCHEME THAT PHASES

8 [REDACTED]
9 [REDACTED] OUT THE SALE OR DISTRIBUTION OF CERTAIN PRODUCTS AND
10 PRODUCT CATEGORIES IN THE STATE THAT CONTAIN INTENTIONALLY
11 ADDED PFAS CHEMICALS.

12 **25-15-603. Definitions - repeal.** AS USED IN THIS PART 14, UNLESS
13 THE CONTEXT OTHERWISE REQUIRES:

14 (1) "ADULT MATTRESS" MEANS A MATTRESS PRODUCT THAT IS NOT
15 A CRIB OR A TODDLER MATTRESS.

16 (2) "CARPET OR RUG" MEANS A FABRIC PRODUCT MARKETED OR
17 INTENDED FOR USE AS A FLOOR COVERING IN HOUSEHOLDS OR BUSINESSES.

18 (3) "CONSUMER" MEANS THE END USER OF A PRODUCT.

19 (4) (a) "COOKWARE" MEANS A DURABLE HOUSEWARE PRODUCT
20 THAT IS USED IN RESIDENCES OR KITCHENS TO PREPARE, DISPENSE, OR
21 STORE FOOD OR BEVERAGES.

22 (b) "COOKWARE" INCLUDES POTS, PANS, SKILLETS, GRILLS, BAKING
23 SHEETS, BAKING MOLDS, TRAYS, BOWLS, AND COOKING UTENSILS.

24 (5) (a) "COSMETIC" MEANS A PRODUCT THAT IS INTENDED TO BE
25 RUBBED OR INTRODUCED INTO; POURED, SPRINKLED, OR SPRAYED ON; OR
26 OTHERWISE APPLIED TO THE HUMAN BODY FOR CLEANING, CLEANSING,
27 BEAUTIFYING, PROMOTING ATTRACTIVENESS, OR ALTERING THE

1 APPEARANCE.

2 (b) "COSMETIC" INCLUDES A SKIN MOISTURIZER, PERFUME,
3 LIPSTICK, NAIL POLISH, EYE OR FACIAL MAKEUP PREPARATION, SHAMPOO,
4 CONDITIONER, PERMANENT WAVE, HAIR DYE, ■ AND DEODORANT.

5 (c) "COSMETIC" DOES NOT INCLUDE A PRODUCT THAT REQUIRES A
6 PRESCRIPTION FOR DISTRIBUTION OR DISPENSATION.

7 (d) (I) "COSMETIC" DOES NOT INCLUDE HYDROFLUOROOLEFINS
8 USED AS PROPELLANTS IN COSMETICS.

9 (II) THIS SUBSECTION (5)(d) IS REPEALED EFFECTIVE JANUARY 1,
10 2027.

11 ■

12 (6) "DEPARTMENT" MEANS THE COLORADO DEPARTMENT OF
13 PUBLIC HEALTH AND ENVIRONMENT.

14 (7) "DRILLING FLUID" MEANS A FLUID THAT IS CIRCULATED INTO
15 THE BOREHOLE OF A WELL TO LUBRICATE AND COOL THE DRILL BIT.

16 (8) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
17 THE DEPARTMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

18 (9) (a) "FABRIC TREATMENT" MEANS A PRODUCT APPLIED TO
19 FABRIC TO GIVE THE FABRIC ONE OR MORE CHARACTERISTICS, INCLUDING
20 STAIN RESISTANCE AND WATER RESISTANCE.

21 (b) (I) "FABRIC TREATMENT" DOES NOT INCLUDE
22 HYDROFLUOROOLEFINS USED AS PROPELLANTS IN FABRIC TREATMENTS.

23 (II) THIS SUBSECTION (9)(b) IS REPEALED EFFECTIVE JANUARY 1,
24 2027.

25 ■

26 (10) "FOOD PACKAGE" OR "FOOD PACKAGING" MEANS A PACKAGE
27 OR PACKAGING COMPONENT USED IN DIRECT CONTACT WITH FOOD AND

1 THAT IS COMPOSED, IN SUBSTANTIAL PART, OF PAPER, PAPERBOARD, OR
2 OTHER MATERIALS ORIGINALLY DERIVED FROM PLANT FIBERS.

3

4 (11) "HYDRAULIC FRACTURING FLUID" MEANS THE FLUID,
5 INCLUDING THE APPLICABLE BASE FLUID AND ANY ADDITIVES, INJECTED
6 INTO AN OIL OR GAS WELL TO PERFORM HYDRAULIC FRACTURING
7 OPERATIONS.

8 (12)(a) "INTENTIONALLY ADDED PFAS CHEMICALS" MEANS PFAS
9 CHEMICALS THAT A MANUFACTURER HAS INTENTIONALLY ADDED TO A
10 PRODUCT AND THAT HAVE A FUNCTIONAL OR TECHNICAL EFFECT ON THE
11 PRODUCT.

12 (b) "INTENTIONALLY ADDED PFAS CHEMICALS" INCLUDES PFAS
13 CHEMICALS THAT ARE INTENTIONAL BREAKDOWN PRODUCTS OF AN ADDED
14 CHEMICAL.

15 (13)(a) "JUVENILE PRODUCT" MEANS A PRODUCT DESIGNED FOR
16 USE BY INFANTS OR CHILDREN UNDER TWELVE YEARS OF AGE.

17 (b) "JUVENILE PRODUCT" INCLUDES:

18 (I) BASSINETS AND OTHER BEDSIDE SLEEPERS;

19 (II) BOOSTER SEATS, CAR SEATS, AND OTHER CHILD RESTRAINT
20 SYSTEMS;

21 (III) CHANGING PADS;

22 (IV) CO-SLEEPERS;

23 (V) CRIB OR TODDLER MATTRESSES;

24 (VI) FLOOR PLAY MATS;

25 (VII) HIGHCHAIRS AND HIGHCHAIR PADS;

26 (VIII) INFANT BOUNCERS;

27 (IX) INFANT CARRIERS;

- 1 (X) INFANT OR TODDLER FOAM PILLOWS;
- 2 (XI) INFANT SEATS;
- 3 (XII) INFANT SLEEP POSITIONERS;
- 4 (XIII) INFANT SWINGS;
- 5 (XIV) INFANT TRAVEL BEDS;
- 6 (XV) INFANT WALKERS;
- 7 (XVI) NAP COTS;
- 8 (XVII) NURSING PADS AND PILLOWS;
- 9 (XVIII) PLAY MATS;
- 10 (XIX) PLAYPENS;
- 11 (XX) PLAY YARDS;
- 12 (XXI) POLYURETHANE FOAM MATS, PADS, OR PILLOWS;
- 13 (XXII) PORTABLE FOAM NAP MATS;
- 14 (XXIII) PORTABLE INFANT SLEEPERS AND HOOK-ON CHAIRS;
- 15 (XXIV) SOFT-SIDED PORTABLE CRIBS; AND
- 16 (XXV) STROLLERS.
- 17 (c) "JUVENILE PRODUCT" DOES NOT INCLUDE:
- 18 (I) ELECTRONIC PRODUCTS, INCLUDING:
- 19 (A) PERSONAL COMPUTERS AND ANY ASSOCIATED EQUIPMENT;
- 20 (B) AUDIO AND VIDEO EQUIPMENT;
- 21 (C) CALCULATORS;
- 22 (D) WIRELESS PHONES;
- 23 (E) GAMING CONSOLES;
- 24 (F) HANDHELD DEVICES INCORPORATING A VIDEO SCREEN; AND
- 25 (G) ANY ASSOCIATED PERIPHERAL DEVICE SUCH AS A MOUSE,
- 26 KEYBOARD, POWER SUPPLY UNIT, OR POWER CORD;

27 

1 (II) AN INTERNAL COMPONENT OF A JUVENILE PRODUCT THAT
2 WOULD NOT COME INTO DIRECT CONTACT WITH A CHILD'S SKIN OR MOUTH
3 DURING REASONABLY FORESEEABLE USE AND ABUSE OF THE PRODUCT; OR

4 (III) ADULT MATTRESSES.

5 (14) (a) "MANUFACTURER" MEANS THE PERSON THAT
6 MANUFACTURES OR ASSEMBLES A PRODUCT OR WHOSE BRAND NAME IS
7 AFFIXED TO A PRODUCT.

8 (b) "MANUFACTURER" INCLUDES, IF A PRODUCT IS IMPORTED INTO
9 THE UNITED STATES AND THE MANUFACTURER DOES NOT HAVE A
10 PRESENCE IN THE UNITED STATES, THE IMPORTER OR FIRST DOMESTIC
11 DISTRIBUTOR OF THE PRODUCT.

12 (15) "OIL AND GAS OPERATIONS" HAS THE MEANING SET FORTH IN
13 SECTION 34-60-103 (6.5).

14 (16) "OIL AND GAS PRODUCTS" MEANS HYDRAULIC FRACTURING
15 FLUIDS, DRILLING FLUIDS, AND PROPPANTS.

16 (17) "PACKAGE" MEANS MATERIAL THAT IS INTENDED OR USED TO
17 CONTAIN, PROTECT, HANDLE, DELIVER, OR PRESENT A PRODUCT.

18 (18) "PACKAGING COMPONENT" MEANS AN INDIVIDUAL PART OF A
19 PACKAGE, INCLUDING INTERIOR OR EXTERIOR BLOCKING, BRACING,
20 CUSHIONING, WEATHERPROOFING, EXTERIOR STRAPPING, COATINGS,
21 CLOSURES, INKS, AND LABELS.

22 (19) "PFAS CHEMICALS" HAS THE MEANING SET FORTH IN SECTION
23 25-5-1302 (7).

24

25 (20) (a) "PRODUCT" MEANS AN ITEM THAT IS MANUFACTURED,
26 ASSEMBLED, OR OTHERWISE PREPARED FOR SALE OR DISTRIBUTION TO
27 CONSUMERS AND THAT IS SOLD OR DISTRIBUTED FOR PERSONAL,

1 RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL USE, INCLUDING FOR USE IN
2 MAKING OTHER PRODUCTS.

3 (b) "PRODUCT" INCLUDES ANY PRODUCT COMPONENTS.

4 ==

5 (c) "PRODUCT" DOES NOT INCLUDE:

6 (I) DRUGS, MEDICAL DEVICES, BIOLOGICS, OR DIAGNOSTICS
7 APPROVED OR AUTHORIZED BY THE FEDERAL FOOD AND DRUG
8 ADMINISTRATION OR THE FEDERAL DEPARTMENT OF AGRICULTURE; OR

9 (II) VETERINARY PESTICIDE PRODUCTS APPROVED BY THE FEDERAL
10 ENVIRONMENTAL PROTECTION AGENCY FOR USE IN ANIMALS; OR

11 (III) PACKAGING USED FOR THE PRODUCTS DESCRIBED IN
12 SUBSECTIONS (20)(c)(I) AND (20)(c)(II) OF THIS SECTION.

13 (d) "PRODUCT" DOES NOT INCLUDE A USED PRODUCT OFFERED FOR
14 SALE OR RESALE.

15 (21) "PRODUCT CATEGORY" MEANS A CLASS OR DIVISION OF
16 PRODUCTS THAT SHARE RELATED CHARACTERISTICS.

17 (22) "PRODUCT COMPONENT" MEANS AN IDENTIFIABLE
18 COMPONENT OF A PRODUCT, REGARDLESS OF WHETHER THE
19 MANUFACTURER OF THE PRODUCT IS THE MANUFACTURER OF THE
20 COMPONENT.

21 (23) "PROPPANTS" MEANS MATERIALS THAT ARE INSERTED OR
22 INJECTED INTO AN UNDERGROUND GEOLOGIC FORMATION DURING OIL AND
23 GAS OPERATIONS IN ORDER TO PREVENT FRACTURES FROM CLOSING.

24 ■
25 ■

26 (24) (a) "TEXTILE" MEANS ANY PRODUCT MADE IN WHOLE OR IN
27 PART FROM A NATURAL OR SYNTHETIC FIBER, YARN, OR FABRIC.

1 (b) "TEXTILE" INCLUDES LEATHER, COTTON, SILK, JUTE, HEMP,
2 WOOL, NYLON, AND POLYESTER.

3 (c) "TEXTILE" DOES NOT INCLUDE TEXTILES USED IN MEDICAL,
4 PROFESSIONAL, OR INDUSTRIAL SETTINGS.

5 (25) (a) "TEXTILE FURNISHINGS" MEANS TEXTILES OF A TYPE
6 CUSTOMARILY USED IN HOUSEHOLDS AND BUSINESSES, INCLUDING
7 DRAPERIES, FLOOR COVERINGS, FURNISHINGS, BEDDING, TOWELS, AND
8 TABLECLOTHS.

9 (b) "TEXTILE FURNISHINGS" DOES NOT INCLUDE TEXTILE
10 FURNISHINGS USED IN MEDICAL, PROFESSIONAL, OR INDUSTRIAL SETTINGS.

11 (26) "UPHOLSTERED FURNITURE" MEANS ANY ARTICLE OF
12 FURNITURE THAT IS:

13 (a) DESIGNED FOR SITTING, RESTING, OR RECLINING; AND

14 (b) WHOLLY OR PARTIALLY STUFFED WITH FILLING MATERIAL.

15 [REDACTED]

16 **25-15-604. Prohibition on the sale or distribution of certain**
17 **consumer products that contain intentionally added PFAS chemicals**
18 **- product label requirements for cookware.** (1) [REDACTED] ON AND AFTER
19 JANUARY 1, 2024, A PERSON SHALL NOT SELL, OFFER FOR SALE,
20 DISTRIBUTE FOR SALE, OR DISTRIBUTE FOR USE IN THE STATE ANY
21 PRODUCT IN ANY OF THE FOLLOWING PRODUCT CATEGORIES IF THE
22 PRODUCT CONTAINS INTENTIONALLY ADDED PFAS CHEMICALS:

23 (a) CARPETS OR RUGS;

24 [REDACTED]

25 [REDACTED]

26 (b) FABRIC TREATMENTS;

27 (c) FOOD PACKAGING;

1 (d) JUVENILE PRODUCTS; AND

2 (e) OIL AND GAS PRODUCTS.

3

4 (2) (a) ON AND AFTER JANUARY 1, 2024, A MANUFACTURER
5 OF COOKWARE SOLD IN THE STATE THAT CONTAINS INTENTIONALLY ADDED
6 PFAS CHEMICALS IN THE HANDLE OF THE PRODUCT OR IN ANY PRODUCT
7 SURFACE THAT COMES INTO CONTACT WITH FOOD, FOODSTUFFS, OR
8 BEVERAGES SHALL LIST THE PRESENCE OF PFAS CHEMICALS ON THE
9 PRODUCT LABEL AND SHALL INCLUDE ON THE PRODUCT LABEL A
10 STATEMENT, IN BOTH ENGLISH AND SPANISH, THAT READS: "FOR MORE
11 INFORMATION ABOUT PFAS CHEMICALS IN THIS PRODUCT, VISIT"
12 FOLLOWED BY BOTH OF THE FOLLOWING:

13 (I) AN INTERNET WEBSITE ADDRESS FOR A WEB PAGE THAT
14 PROVIDES INFORMATION ABOUT WHY THE PFAS CHEMICALS ARE
15 INTENTIONALLY ADDED; AND

16 (II) A QUICK RESPONSE (QR) CODE OR OTHER MACHINE-READABLE
17 CODE, CONSISTING OF AN ARRAY OF SQUARES, USED FOR STORING AN
18 INTERNET WEBSITE FOR A WEB PAGE THAT PROVIDES INFORMATION ABOUT
19 WHY THE PFAS CHEMICALS ARE INTENTIONALLY ADDED.

20 (b) A MANUFACTURER OF COOKWARE SOLD IN THE STATE SHALL
21 ENSURE THAT THE STATEMENT REQUIRED ON THE PRODUCT LABEL BY
22 SUBSECTION (2)(a) OF THIS SECTION IS VISIBLE AND LEGIBLE TO THE
23 CONSUMER, INCLUDING ON THE PRODUCT LISTING FOR ONLINE SALES.

24 (c) COOKWARE THAT MEETS BOTH OF THE FOLLOWING
25 REQUIREMENTS IS EXEMPT FROM THE REQUIREMENT OF THIS SUBSECTION
26 (2):

27 (I) THE SURFACE AREA OF THE COOKWARE CANNOT FIT A PRODUCT

1 LABEL OF AT LEAST TWO SQUARE INCHES; AND

2 (II) THE COOKWARE DOES NOT HAVE EITHER OF THE FOLLOWING:

3 (A) AN EXTERIOR CONTAINER OR WRAPPER ON WHICH A PRODUCT

4 LABEL CAN APPEAR OR BE AFFIXED; AND

5 (B) A TAG OR OTHER ATTACHMENT WITH INFORMATION ABOUT

6 THE PRODUCT ATTACHED TO THE COOKWARE.

7 (d) A MANUFACTURER OF COOKWARE SOLD IN THE STATE SHALL

8 ENSURE THAT THE STATEMENT OTHERWISE REQUIRED ON THE PRODUCT

9 LABEL BY SUBSECTION (2)(a) OF THIS SECTION IS INCLUDED ON THE

10 PRODUCT LISTING FOR ONLINE SALES PURSUANT TO SUBSECTION (2)(b) OF

11 THIS SECTION.

12 (e) ON AND AFTER JANUARY 1, 2024, A MANUFACTURER SHALL

13 NOT MAKE A CLAIM, ON THE COOKWARE PACKAGE, THAT THE COOKWARE

14 IS FREE OF ANY PFAS CHEMICALS UNLESS NO INDIVIDUAL PFAS

15 CHEMICAL IS INTENTIONALLY ADDED TO THE COOKWARE.

16 (f) COOKWARE THAT CONTAINS ONE OR MORE INTENTIONALLY

17 ADDED PFAS CHEMICALS IN THE HANDLE OF THE PRODUCT OR IN ANY

18 PRODUCT SURFACE THAT COMES INTO CONTACT WITH FOOD, FOODSTUFFS,

19 OR BEVERAGES SHALL NOT BE SOLD, OFFERED FOR SALE, OR DISTRIBUTED

20 IN THE STATE UNLESS THE COOKWARE AND THE MANUFACTURER OF THE

21 COOKWARE COMPLY WITH THIS PART 6.

22 (3) ON AND AFTER JANUARY 1, 2025, A PERSON SHALL NOT SELL,

23 OFFER FOR SALE, DISTRIBUTE FOR SALE, OR DISTRIBUTE FOR USE THE

24 FOLLOWING PRODUCTS THAT CONTAIN INTENTIONALLY ADDED PFAS

25 CHEMICALS:

26 (a) COSMETICS;

27 (b) INDOOR TEXTILE FURNISHINGS; AND

1 (c) INDOOR UPHOLSTERED FURNITURE.

2 (4) ON AND AFTER JANUARY 1, 2027, A PERSON SHALL NOT SELL,
3 OFFER FOR SALE, DISTRIBUTE FOR SALE, OR DISTRIBUTE FOR USE THE
4 FOLLOWING PRODUCTS THAT CONTAIN INTENTIONALLY ADDED PFAS
5 CHEMICALS:

6 (a) OUTDOOR TEXTILE FURNISHINGS; AND

7 (b) OUTDOOR UPHOLSTERED FURNITURE.

8 **SECTION 2.** In Colorado Revised Statutes, 24-103-904, **amend**
9 (1) as follows:

10 **24-103-904. Purchasing preference for environmentally**
11 **preferable products - definitions.** (1) As used in this section, unless the
12 context otherwise requires:

13 (a) "Environmentally preferable products" means products,
14 INCLUDING PRODUCTS THAT DO NOT CONTAIN INTENTIONALLY ADDED
15 PFAS CHEMICALS, that have a lesser or reduced adverse effect on human
16 health and the environment when compared with competing products that
17 serve the same purpose. The product comparison may consider such
18 factors as the availability of any raw materials used in the product being
19 purchased and the availability, use, production, safe operation,
20 maintenance, packaging, distribution, disposal, or recyclability of the
21 product being purchased.

22 (b) "INTENTIONALLY ADDED PFAS CHEMICALS" HAS THE MEANING
23 SET FORTH IN SECTION 25-15-603 (12).

24 **SECTION 3.** In Colorado Revised Statutes, 25-5-1302, **add** (1.5),
25 (3.6), (5.8), (7.5), (9), and (10) as follows:

26 **25-5-1302. Definitions.** As used in this part 13, unless the context
27 otherwise requires:

1 (1.5) "CLASS B FIRE" MEANS A FIRE INVOLVING FLAMMABLE
2 LIQUIDS OR GASES, INCLUDING PETROLEUM, PAINT, ALCOHOL, SOLVENT,
3 OIL, AND TAR.


4 (3.6) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
5 THE DEPARTMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

6 (5.8) "INTENTIONALLY ADDED PFAS CHEMICALS" HAS THE
7 MEANING SET FORTH IN SECTION 25-15-603 (12).

8 (7.5) "RELEASE" MEANS ANY SPILLING, LEAKING, PUMPING,
9 POURING, EMPTYING, DISCHARGING, INJECTING, ESCAPING, LEACHING,
10 DUMPING, OR DISPOSING OF A CHEMICAL INTO THE ENVIRONMENT.

11 (9) "TERMINAL" MEANS A FACILITY THAT ENGAGES IN THE
12 WHOLESALE DISTRIBUTION OF CRUDE PETROLEUM AND PETROLEUM
13 PRODUCTS, INCLUDING LIQUIFIED PETROLEUM GAS FROM BULK LIQUID
14 STORAGE FACILITIES.

15 (10) "WATER QUALITY SPILLS HOTLINE" MEANS THE PHONE
16 SYSTEM CREATED AND MAINTAINED BY THE DEPARTMENT FOR THE
17 REPORTING OF SPILLS OR DISCHARGES INTO STATE WATERS TO THE
18 DEPARTMENT.

19 
20 **SECTION 4.** In Colorado Revised Statutes, **add** 25-5-1303.5 as
21 follows:

22 **25-5-1303.5. Restriction on use of certain firefighting foams.**

23 (1) BEGINNING JANUARY 1, 2024, A PERSON THAT USES CLASS B
24 FIREFIGHTING FOAM CONTAINING INTENTIONALLY ADDED PFAS
25 CHEMICALS SHALL:

- 26 (a) NOT ALLOW A RELEASE OF THE CLASS B FIREFIGHTING FOAM;
27 (b) FULLY CONTAIN THE CLASS B FIREFIGHTING FOAM BY

1 IMPLEMENTING APPROPRIATE CONTAINMENT MEASURES, WHICH MAY
2 INCLUDE BUNDS AND PONDS, THAT:

- 3 (I) ARE CONTROLLED;
- 4 (II) ARE IMPERVIOUS TO PFAS CHEMICALS; AND
- 5 (III) DO NOT ALLOW THE CLASS B FIREFIGHTING FOAM OR ANY
6 ASSOCIATED FIREWATER, WASTEWATER, RUNOFF, OR OTHER WASTE TO BE
7 RELEASED;

8 (c) SAFELY STORE ALL CLASS B FIREFIGHTING FOAM AND ANY
9 ASSOCIATED FIREWATER, WASTEWATER, RUNOFF, AND OTHER WASTE IN A
10 WAY THAT PREVENTS THEIR RELEASE UNTIL THE FEDERAL
11 ENVIRONMENTAL PROTECTION AGENCY HAS PUBLISHED GUIDANCE ON THE
12 PROPER DISPOSAL AND DESTRUCTION METHODS FOR PFAS CHEMICALS.
13 AFTER THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY HAS
14 PUBLISHED GUIDANCE ON THE PROPER DISPOSAL AND DESTRUCTION
15 METHODS FOR PFAS CHEMICALS, THE PERSON THAT USES THE CLASS B
16 FIREFIGHTING FOAM CONTAINING INTENTIONALLY ADDED PFAS
17 CHEMICALS SHALL DISPOSE OF AND DESTROY THE CLASS B FIREFIGHTING
18 FOAM IN ACCORDANCE WITH SUCH GUIDANCE.

19 (d) IF THERE IS A RELEASE OF THE CLASS B FIREFIGHTING FOAM OR
20 ANY ASSOCIATED FIREWATER, WASTEWATER, RUNOFF, OR OTHER WASTE,
21 REPORT THE FOLLOWING INFORMATION TO THE WATER QUALITY SPILLS
22 HOTLINE WITHIN TWENTY-FOUR HOURS AFTER ITS RELEASE:

- 23 (I) THE TRADE NAME AND PRODUCT NAME OF THE CLASS B
24 FIREFIGHTING FOAM;
- 25 (II) THE QUANTITY OF CLASS B FIREFIGHTING FOAM USED THAT
26 CONTAINS INTENTIONALLY ADDED PFAS CHEMICALS;
- 27 (III) THE AMOUNT AND TYPE OF PFAS CHEMICALS IN THE CLASS

1 B FIREFIGHTING FOAM; AND

2 (IV) THE AMOUNT OF CLASS B FIREFIGHTING FOAM OR ANY
3 ASSOCIATED FIREWATER, WASTEWATER, RUNOFF, AND OTHER WASTE THAT
4 IS RELEASED; AND

5 (e) DOCUMENT ANY MEASURES UNDERTAKEN PURSUANT TO THE
6 REQUIREMENTS OF THIS SECTION. IN INVESTIGATING COMPLIANCE WITH
7 THE REQUIREMENTS OF THIS SECTION, THE ATTORNEY GENERAL MAY
8 REQUEST THAT THE PERSON PROVIDE THE DOCUMENTATION CREATED
9 PURSUANT TO THE REQUIREMENTS OF THIS SUBSECTION (1)(e) TO THE
10 ATTORNEY GENERAL.

11 (2) BEGINNING JANUARY 1, 2024, A PERSON THAT USES CLASS B
12 FIREFIGHTING FOAM THAT CONTAINS INTENTIONALLY ADDED PFAS
13 CHEMICALS MUST REPORT THE USE OF THE CLASS B FIREFIGHTING FOAM TO
14 THE WATER QUALITY SPILLS HOTLINE WITHIN TWENTY-FOUR HOURS AFTER
15 ITS USE.

16 (3) (a) EXCEPT AS PROVIDED IN SUBSECTION (3)(b) OF THIS
17 SECTION, THE RESTRICTIONS AND REQUIREMENTS IN SUBSECTIONS (1) AND
18 (2) OF THIS SECTION DO NOT APPLY TO THE USE OF CLASS B FIREFIGHTING
19 FOAM WHERE THE INCLUSION OF PFAS CHEMICALS IS REQUIRED OR
20 AUTHORIZED BY FEDERAL LAW, INCLUDING 14 CFR 139, OR IMPLEMENTED
21 IN ACCORDANCE WITH FEDERAL AVIATION ADMINISTRATION GUIDANCE, OR
22 OTHERWISE REQUIRED FOR A MILITARY PURPOSE.

23 (b) IF THE EXECUTIVE DIRECTOR DETERMINES BY RULE THAT THE
24 LAWS, GUIDANCE, OR REQUIREMENTS DESCRIBED IN SUBSECTION (3)(a) OF
25 THIS SECTION NO LONGER APPLY TO A PARTICULAR INDUSTRY OR SECTOR,
26 THE EXECUTIVE DIRECTOR SHALL PROVIDE NOTICE ON THE DEPARTMENT'S
27 WEBSITE OF THIS DETERMINATION AND SHALL PROMULGATE RULES

1 PROHIBITING USERS OF CLASS B FIREFIGHTING FOAM WITHIN THAT
2 INDUSTRY OR SECTOR FROM USING CLASS B FIREFIGHTING FOAM IN
3 VIOLATION OF THIS SECTION, WHICH RULES SHALL APPLY NO SOONER THAN
4 TWO YEARS AFTER THE EXECUTIVE DIRECTOR'S DETERMINATION.

5 **SECTION 5.** In Colorado Revised Statutes, **amend** 25-5-1307 as
6 follows:

7 **25-5-1307. Civil penalty.** (1) A manufacturer or a person who
8 violates ~~the provisions of~~ this part 13 is subject to a civil penalty not to
9 exceed five thousand dollars for each violation in the case of a first
10 offense. A manufacturer or a person who violates this part 13 repeatedly
11 is subject to a civil penalty not to exceed ten thousand dollars for each
12 repeat offense. Penalties collected under this part 13 must be deposited
13 in the local firefighter safety and disease prevention fund created in
14 section 24-33.5-1231.

15 (2) THE ATTORNEY GENERAL HAS THE AUTHORITY TO ENFORCE
16 THIS PART 13 AND TO CONDUCT CIVIL INVESTIGATIONS AND BRING CIVIL
17 ACTIONS FOR VIOLATIONS OF THIS PART 13.

18 **SECTION 6.** In Colorado Revised Statutes, 25-5-1309, **amend**
19 (1) introductory portion as follows:

20 **25-5-1309. Restriction on the use of certain firefighting foam**
21 **at certain airports - definitions.** (1) Beginning January 1, 2023 2024,
22 the use of class B firefighting foam that contains intentionally added
23 perfluoroalkyl and polyfluoroalkyl substances shall be prohibited at
24 structures used for the storage or maintenance of aircraft where the
25 structure is located in an airport that:

26 **SECTION 7. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.