



General Assembly

**Amendment**

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LCO No. 5301



Offered by:  
SEN. LOPES, 6<sup>th</sup> Dist.

To: Subst. Senate Bill No. 292

File No. 306

Cal. No. 208

**"AN ACT CONCERNING THE USE OF PFAS IN CERTAIN PRODUCTS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

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

5 (1) "Adult mattress" means a mattress other than a crib mattress or  
6 toddler mattress.

7 (2) "Air care product" means a chemically formulated consumer  
8 product labeled to indicate that the purpose of the product is to enhance  
9 or condition the indoor environment by eliminating odors or freshening  
10 the air. "Air care product" does not include hydrofluorocarbon or  
11 hydrofluoroolefins used as propellants in cosmetics.

12 (3) "Apparel" means any of the following: Clothing items intended  
13 for daily regular wear or formal occasions, including, but not limited to,

14 undergarments, shirts, pants, skirts, dresses, overalls, bodysuits,  
15 costumes, vests, dancewear, suits, saris, scarves, tops, leggings, school  
16 uniforms, leisurewear, athletic wear, sports uniforms, outdoor apparel,  
17 everyday swimwear, formal wear, onesies, bibs, diapers, footwear,  
18 accessories, handbags, backpacks and uniforms for workwear.  
19 "Apparel" does not include personal protective equipment or clothing  
20 items for exclusive use by the United States military or in aerospace or  
21 defense applications; or outdoor apparel intended for severe wet  
22 conditions.

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

30 (5) "Biosolid" means solid, semisolid or liquid residue generated  
31 during the treatment of domestic sewage in a treatment works and  
32 includes without restriction and is not limited to: (A) Domestic septage;  
33 (B) scum or solids removed in a primary, secondary or advanced  
34 wastewater treatment process; and (C) material derived from a biosolid.

35 (6) "Carpet or rug" means a fabric product marketed or intended for  
36 use as a floor covering. "Carpet or rug" does not include a covering  
37 intended solely for use inside aircraft, automobiles, light duty trucks,  
38 vans, buses or any other vehicle.

39 (7) "Children's product" means a product designed or marketed for  
40 use by infants and children under twelve years of age, including, but  
41 not limited to, a baby or toddler foam pillow, bassinet, bedside sleeper,  
42 booster seat, changing pad, child restraint system for use in motor  
43 vehicles and aircraft, co-sleeper, crib mattress, highchair, highchair pad,  
44 infant bouncer, infant carrier, infant seat, infant sleep positioner, infant  
45 swing, infant travel bed, infant walker, nap cot, nursing pad, nursing

46 pillow, play mat, playpen, play yard, polyurethane foam mat, pad or  
47 pillow, portable foam nap mat, portable infant sleeper, portable hook-  
48 on chair, soft-sided portable crib, stroller or toddler mattress.  
49 "Children's product" does not include any children's electronic product  
50 such as a personal computer, audio and video equipment, calculator,  
51 wireless phone, game console, handheld device incorporating a video  
52 screen or any associated peripheral such as a mouse, keyboard, power  
53 supply unit or power cord or an adult mattress.

54 (8) "Cleaning product" means a finished product used primarily for  
55 domestic, commercial or institutional cleaning purposes, including, but  
56 not limited to, an air care product, an automotive maintenance product,  
57 a general cleaning product or a polish or floor maintenance product.

58 (9) "Commissioner" means the Commissioner of Energy and  
59 Environmental Protection.

60 (10) "Cookware" means durable houseware items used to prepare,  
61 dispense or store food, foodstuffs or beverages, including, but not  
62 limited to, pots, pans, skillets, grills, baking sheets, baking molds, trays,  
63 plates, bowls, cutlery and cooking utensils.

64 (11) "Cosmetic product" means articles, excluding soap, that are  
65 intended to be rubbed, poured, sprinkled or sprayed on, introduced into  
66 or otherwise applied to the human body or any part thereof for the  
67 purpose of cleansing, beautifying, promoting attractiveness or altering  
68 the appearance of, and any item intended for use as a component of any  
69 such article. "Cosmetic product" does not include a product that requires  
70 a prescription for distribution or dispensation, or hydrofluorocarbon or  
71 hydrofluoroolefins used as propellants in cosmetics.

72 (12) "Department" means the Department of Energy and  
73 Environmental Protection.

74 (13) "Fabric treatment" means a substance applied to fabric to give the  
75 fabric one or more characteristics, including, but not limited to, stain or  
76 water resistance.

77 (14) "Intentionally added PFAS" means PFAS deliberately added  
78 during the manufacture of a product where the continued presence of  
79 PFAS is desired in the final product or one of the product's components  
80 to perform a specific function.

81 (15) "Manufacturer" means the person that creates or produces a  
82 product or whose brand name is affixed to the product. "Manufacturer"  
83 includes, for any product imported into the United States, the importer  
84 or first domestic distributor of the product if the person that  
85 manufactured or assembled the product or whose brand name is affixed  
86 to the product does not have a presence in the United States.

87 (16) "Medical device" has the same meaning as "device" in 21 USC  
88 321(h).

89 (17) "Menstruation products" means a product used to collect  
90 menstruation and vaginal discharge, including, but not limited to,  
91 tampons, pads, sponges, menstruation underwear, disks, applicators  
92 and menstrual cups, whether disposable or reusable.

93 (18) "Outdoor apparel" means clothing items intended primarily for  
94 outdoor activities, including, but not limited to, hiking, camping, skiing,  
95 climbing, bicycling and fishing.

96 (19) "Outdoor apparel for severe wet conditions" means outdoor  
97 apparel that are extreme and extended-use products designed for  
98 outdoor sports experts for applications that provide protection against  
99 extended exposure to extreme rain conditions or against extended  
100 immersion in water or wet conditions, such as from snow, in order to  
101 protect the health and safety of the user and that are not marketed for  
102 general consumer use, including, but not limited to, outerwear for  
103 offshore fishing, offshore sailing, whitewater kayaking and  
104 mountaineering.

105 (20) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS"  
106 means all members of the class of fluorinated organic chemicals  
107 containing at least one fully fluorinated carbon atom.

108 (21) "Personal protective equipment" means equipment worn to  
109 minimize exposure to hazards that cause serious workplace injuries and  
110 illnesses that may result from contact with chemical, radiological,  
111 physical, biological, electrical, mechanical or other workplace or  
112 professional hazards.

113 (22) "Product" means any item manufactured, assembled, packaged  
114 or otherwise prepared for sale to consumers, including, but not limited  
115 to, its product components, sold or distributed for personal, residential,  
116 commercial or industrial use, including for use in making other  
117 products.

118 (23) "Product component" means any identifiable component of a  
119 product, regardless of whether the manufacturer of the product is the  
120 manufacturer of the component.

121 (24) "Ski wax" means any lubricant applied to the bottom of snow  
122 runners, including, but not limited to, skis and snowboards, to improve  
123 grip or glide properties. "Ski wax" includes, but is not limited to, any  
124 related tuning products.

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

128 (26) "Textile furnishings" means textile goods of a type customarily  
129 used in households and businesses, including, but not limited to,  
130 draperies, floor coverings, furnishings, bedding, shower curtains,  
131 towels and tablecloths. "Textile furnishings" does not include: any  
132 textile good intended solely for use inside automobiles, light duty  
133 trucks, vans, buses or any other vehicle, carpets and rugs, treatments  
134 containing PFAS for use on converted textiles or leathers, any vessel, or  
135 its component parts, including boat covers, filtration media and filter  
136 products used in industrial applications, including, but not limited to,  
137 chemical or pharmaceutical manufacturing and environmental control  
138 applications, textile articles used in or for laboratory analysis and  
139 testing, any aircraft, or its component parts, stadium shades or other

140 architectural fabric structures, articles intended to provide a barrier  
141 against biological fluids and other infectious agents, such as medical  
142 gowns and caps, surgical drapes and covers, hospital linens, wound care  
143 pads and dressings, surgical hosiery and personal protective  
144 equipment. For purposes of this subdivision, "architectural fabric  
145 structure" means a permanent fabric structure that is intrinsic to a  
146 building's design or construction.

147 (27) "Turnout gear" means protective clothing worn as a main source  
148 of protection for firefighters and emergency medical services personnel  
149 during firefighting and post-fire operations to minimize exposure to  
150 hazards that cause serious injuries and illnesses that may result from  
151 contact with thermal, physical, chemical, biological or other workplace  
152 hazards. "Turnout gear" includes (A) protective clothing designed to  
153 protect firefighters performing structural firefighting, proximity  
154 firefighting, wildland firefighting and urban interface firefighting; and  
155 (B) other personal protective equipment referred to in section  
156 33(c)(3)(I)(i) of the Federal Fire Prevention and Control Act of 1974 (15  
157 U.S.C. 2229(c)(3)(I)(i)).

158 (28) "Upholstered furniture" means an article of furniture that is  
159 designed to be used for sitting, resting or reclining and that is wholly or  
160 partly stuffed or filled with any filling material. "Upholstered furniture"  
161 does not include furniture solely intended for use inside aircraft.

162 (29) "Wastewater sludge" means the solid residue and associated  
163 liquid resulting from physical, chemical or biological treatment of  
164 domestic or industrial wastewater.

165 (b) (1) On and after July 1, 2026, no person shall manufacture, sell,  
166 offer for sale or distribute for sale in this state any (A) apparel; (B) carpet  
167 or rug; (C) cleaning product; (D) cookware; (E) cosmetic product; (F)  
168 dental floss; (G) fabric treatment; (H) children's product; (I)  
169 menstruation product; (J) textile furnishing; (K) ski wax; or (L)  
170 upholstered furniture if such product contains intentionally added  
171 PFAS, unless the manufacturer of the product provides prior

172 notification in writing to the department in accordance with the  
173 requirements of this subsection. Such notification shall at a minimum  
174 include: (i) A brief description of the product to be offered for sale, used  
175 or distributed, including the product category and the function of PFAS  
176 in the product; (ii) all relevant chemical abstract service registry  
177 numbers or, if no such number is applicable, the molecular formulas and  
178 weights for all PFAS intentionally added to the product; (iii) for each  
179 product category: (I) The amount of each PFAS or subgroups in each  
180 category; (II) the range of PFAS in the product category by per cent  
181 weight; (III) if no analytical method exists, the amount of total fluorine  
182 present in the product category; (IV) the purpose for which the PFAS is  
183 used in the product; and (V) the name and address of the manufacturer,  
184 and the name, address and phone number of a contact person for the  
185 manufacturer.

186 (2) A manufacturer may supply the information required in this  
187 subsection for a category or type of product that contains intentionally  
188 added PFAS rather than for each individual product.

189 (3) The manufacturer shall update and revise information in such  
190 notification whenever there is a change in the information or when  
191 requested to do so by the department.

192 (4) No person shall sell, offer for sale or distribute for sale in this state  
193 any of the products listed in subdivision (1) of this subsection if the  
194 product contains intentionally added PFAS, and the manufacturer has  
195 failed to submit notification pursuant to this subsection.

196 (c) (1) On and after January 1, 2026, no person shall distribute, sell or  
197 offer for sale in this state any new or not-previously-used outdoor  
198 apparel for severe wet conditions that contains PFAS unless such  
199 product is accompanied by a legible and easily discernable disclosure  
200 with the statement "Made with PFAS chemicals", including for any  
201 online listing of such products for sale. On and after January 1, 2026, if  
202 a manufacturer or other person sells turnout gear that contains  
203 intentionally added PFAS, the manufacturer or person shall provide

204 written notice to the purchaser at the time of sale that indicates that the  
205 turnout gear includes intentionally added PFAS and the reason PFAS is  
206 added to the turnout gear. On and after July 1, 2026, no person shall  
207 manufacture, sell, offer for sale or distribute for sale in this state any (A)  
208 apparel; (B) carpet or rug; (C) cleaning product; (D) cookware; (E)  
209 cosmetic product; (F) dental floss; (G) fabric treatment; (H) children's  
210 product; (I) menstruation product; (J) textile furnishing; (K) ski wax; or  
211 (L) upholstered furniture if such product contains intentionally added  
212 PFAS, unless such product is labeled in accordance with this subsection.  
213 Nothing in this subsection shall be construed to require or replace such  
214 disclosure, notice or labeling that is otherwise prohibited or prescribed  
215 by federal law.

216 (2) Whenever a product listed in subdivision (1) of this subsection  
217 contains intentionally added PFAS and is a component of another  
218 product, the product that contains the component shall be labeled.

219 (3) All labels shall be clearly visible prior to sale and shall inform the  
220 purchaser, using words or symbols approved by the department, that  
221 PFAS is present in the product.

222 (4) Labels affixed to any such product shall be constructed of  
223 materials that are sufficiently durable to remain legible for the useful life  
224 of the product.

225 (5) The manufacturer shall apply any product and package labels  
226 required under this subsection unless the wholesaler or retailer agrees  
227 with the manufacturer to accept responsibility for such application.

228 (d) On and after January 1, 2028, no person shall manufacture, sell,  
229 offer for sale or distribute for sale in this state any of the following  
230 products if the product contains intentionally added PFAS: (1) Apparel;  
231 (2) turnout gear; (3) carpets or rugs; (4) cleaning products; (5) cookware;  
232 (6) cosmetic products; (7) dental floss; (8) fabric treatments; (9) children's  
233 products; (10) menstruation products; (11) textile furnishings; (12) ski  
234 wax; (13) upholstered furniture; or (14) outdoor apparel for severe wet  
235 conditions.



236 (e) Notwithstanding any provision of this section, if a cosmetic  
237 product made through manufacturing processes intended to comply  
238 with this section contains an unavoidable trace quantity of PFAS that is  
239 attributable to impurities of natural or synthetic ingredients, the  
240 manufacturing process, storage or migration from packaging, such  
241 unavoidable trace quantity shall not cause the cosmetic product to be in  
242 violation of this section. For purposes of this subsection, "ingredient" has  
243 the same meaning as provided in 21 CFR 700.3 and does not include any  
244 incidental ingredient as defined in 21 CFR 700.3.

245 (f) No person shall use, sell or offer for sale in this state as a soil  
246 amendment any biosolids or wastewater sludge that contain PFAS.

247 (g) (1) The Commissioner of Energy and Environmental Protection  
248 may enforce the provisions of this section pursuant to section 22a-6 of  
249 the general statutes. The Commissioner of Energy and Environmental  
250 Protection may coordinate with the Commissioners of Agriculture,  
251 Consumer Protection and Public Health in enforcing this section.

252 (2) Upon written request by the department, a certificate of  
253 compliance, or copies thereof, stating that a product is in compliance  
254 with the requirements of this section shall be furnished by the product's  
255 manufacturer or supplier to the department. When requested by the  
256 Commissioner of Energy and Environmental Protection, any person  
257 shall furnish to the commissioner any information that the person may  
258 have or may reasonably obtain that is relevant to show compliance with  
259 the provisions of this section.

260 (3) Any such certificate of compliance shall be signed by an  
261 authorized official of the manufacturer or supplier. A certificate of  
262 compliance shall be kept on file by the manufacturer or supplier of the  
263 product. A manufacturer or supplier may make the certificate of  
264 compliance available on the manufacturer's or supplier's Internet web  
265 site or through an authorized representative of the manufacturer or  
266 supplier, including a multijurisdictional clearinghouse.

267 (h) (1) The department may participate in the establishment and

268 implementation of a multijurisdictional clearinghouse to assist in  
269 carrying out the requirements of this section and to assist in  
270 coordinating the review of manufacturer applications and obligations  
271 under this section. Such multijurisdictional clearinghouse may also  
272 maintain a database of all products containing intentionally added  
273 PFAS and a file on all exemptions granted by the participating  
274 jurisdictions.

275 (2) Notwithstanding the provisions of chapter 14 of the general  
276 statutes, the commissioner may provide the regional multistate  
277 clearinghouse described in section 22a-902 of the general statutes with  
278 copies of information relating to the administration of this section and  
279 the commissioner, in consultation with said clearinghouse, may compile  
280 or publish analyses or summaries of such information, provided such  
281 analyses or summaries do not identify any manufacturer or reveal any  
282 confidential information.

283 (i) The commissioner may impose fees sufficient to cover the costs of  
284 administering the provisions of this section, including, but not limited  
285 to, participation in a multijurisdictional clearinghouse described in  
286 subsection (h) of this section. Such fees shall be established annually,  
287 based on an actual accounting of program costs, and the amounts shall  
288 be posted on the department's Internet web site. Any such fee shall be  
289 utilized by the commissioner to cover any costs of the department  
290 associated with the provisions of this section. Any fee collected pursuant  
291 to this subsection shall be deposited by the commissioner in the PFAS  
292 testing account established pursuant to section 22a-903b of the general  
293 statutes, as amended by this act.

294 (j) The provisions of this section shall not be construed to apply to: (1)  
295 Any product for which federal law governs or requires the presence of  
296 PFAS in the product in a manner that preempts state authority; (2) any  
297 product regulated under section 22a-903a or 22a-255i of the general  
298 statutes; (3) the sale or resale of a used product; (4) any prosthetic,  
299 orthotic device or product that is a medical device or drug or that is  
300 otherwise used in a medical setting or in medical applications regulated

301 by the United States Food and Drug Administration; (5) any product  
 302 made with not less than eighty-five per cent recycled content; (6) any  
 303 product manufactured prior to any prohibition imposed by the  
 304 provisions of this section; or (7) replacement parts for any product  
 305 manufactured prior to any prohibition imposed by the provisions of this  
 306 section.

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

310 There is established an account to be known as the PFAS Testing  
 311 account which shall be a separate, nonlapsing account within the  
 312 General Fund. Moneys in such account shall be used by the  
 313 Commissioner of Energy and Environmental Protection, in consultation  
 314 with the Commissioner of Public Health, to provide municipalities, as  
 315 defined in section 7-381, and school districts with grants or  
 316 reimbursements to test for the presence of PFAS contamination in  
 317 drinking water supplies and to remediate any such contamination and  
 318 for the implementation of section 1 of this act, including, but not limited  
 319 to, any expense necessary for staffing administrative costs, enforcement,  
 320 dues or other costs associated with the multistate clearinghouse  
 321 established or implemented pursuant to subsection (h) of section (1) of  
 322 this act. Such account shall contain all moneys required by law to be  
 323 deposited in such account. Such account may receive funds from private  
 324 or public sources, including, but not limited to, the federal government.  
 325 For the purposes of this section, "PFAS" has the same meaning as  
 326 provided in section 22a-255h."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024</i>	New section
Sec. 2	<i>from passage</i>	22a-903b