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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **3075**

02/03/2022 Authored by Wazlawik, Her and Hollins

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

03/07/2022 Adoption of Report: Amended and re-referred to the Committee on Commerce Finance and Policy

1.1 A bill for an act
1.2 relating to environment; requiring notice of products containing PFAS; requiring
1.3 rulemaking; proposing coding for new law in Minnesota Statutes, chapter 116.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. [116.943] DISCLOSURE OF PFAS IN PRODUCTS.

1.6 Subdivision 1. Definitions. For purposes of this section, the following terms have the
1.7 meanings given:

1.8 (1) "commissioner" means the commissioner of the Pollution Control Agency;

1.9 (2) "intentionally added PFAS" means PFAS that a manufacturer intentionally adds to
1.10 a product and that have a functional or technical effect in the product, including the PFAS
1.11 components of intentionally added chemicals and PFAS that are intentional breakdown
1.12 products of an added chemical that also have a functional or technical effect in the product;

1.13 (3) "manufacturer" means the person that manufactures a product or whose brand name
1.14 is affixed to the product. In the case of a product imported into the United States,
1.15 manufacturer includes the importer or first domestic distributor of the product if the person
1.16 that manufactured or assembled the product or whose brand name is affixed to the product
1.17 does not have a presence in the United States;

1.18 (4) "perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means substances that
1.19 include any member of the class of fluorinated organic chemicals containing at least one
1.20 fully fluorinated carbon atom;

1.21 (5) "product" means an item manufactured, assembled, packaged, or otherwise prepared
1.22 for sale to consumers, including the product components, sold or distributed for personal,

2.1 residential, commercial, or industrial use, including for use in making other products. Product
2.2 does not mean used products offered for sale or resale; and

2.3 (6) "product component" means an identifiable component of a product, regardless of
2.4 whether the manufacturer of the product is the manufacturer of the component.

2.5 Subd. 2. **Notice required.** (a) Except as provided under subdivision 3 and rules adopted
2.6 under subdivision 4, a manufacturer of a product for sale in the state that contains
2.7 intentionally added PFAS must submit to the commissioner a written notice that includes:

2.8 (1) a brief description of the product;

2.9 (2) the function served by PFAS in the product, including in any product components;

2.10 (3) the amount of each of the PFAS, identified by its Chemical Abstracts Service Registry
2.11 number, in the product, reported as an exact quantity determined using commercially
2.12 available analytical methods or as falling within a range approved for reporting purposes
2.13 by the commissioner;

2.14 (4) the name and address of the manufacturer and the name, address, and telephone
2.15 number of a contact person for the manufacturer; and

2.16 (5) any other information, as required by rule adopted by the commissioner, necessary
2.17 to implement this section.

2.18 (b) This subdivision does not apply to the sale or resale of used products.

2.19 (c) For products containing intentionally added PFAS that are sold, offered for sale, or
2.20 distributed in the state as of the effective date of this subdivision, a manufacturer must
2.21 submit the notice required under paragraph (a) to the commissioner before April 1, 2025.
2.22 For products containing intentionally added PFAS that are first sold, offered for sale, or
2.23 distributed in the state after the effective date of this subdivision, a manufacturer must
2.24 submit the notice required under paragraph (a) to the commissioner no later than 30 days
2.25 before the initial sale, offer for sale, or distribution of the products in the state.

2.26 Subd. 3. **Commissioner's authority.** (a) The commissioner may waive all or part of the
2.27 notice requirement under subdivision 2 if the commissioner determines that substantially
2.28 equivalent information is already publicly available.

2.29 (b) The commissioner may enter into an agreement with one or more other states or
2.30 political subdivisions of a state to collect notices and may accept notices to a shared system
2.31 as meeting the notice requirement under subdivision 2.

3.1 (c) The commissioner may extend the deadline for a manufacturer to submit the notice
3.2 under subdivision 2 if the commissioner determines that more time is needed by the
3.3 manufacturer to comply.

3.4 Subd. 4. **Rulemaking.** The commissioner must adopt rules to implement this section.

3.5 The rules:

3.6 (1) may prioritize products subject to subdivision 2 based on the products that, in the
3.7 commissioner's judgment, are most likely to cause contamination of the state's land or water
3.8 resources;

3.9 (2) may allow a manufacturer to supply the notice under subdivision 2 for a category or
3.10 type of product rather than for each individual product;

3.11 (3) must require a manufacturer to update and revise the information required in the
3.12 notice under subdivision 2 when there is a substantive change in the information; and

3.13 (4) notwithstanding section 16A.1283, may establish a fee to be paid by a manufacturer
3.14 upon submitting the notice under subdivision 2 to cover the commissioner's reasonable costs
3.15 in developing rules to implement this section. The fees may be based on the volume of
3.16 PFAS, volume of sales, or type of PFAS.

3.17 **EFFECTIVE DATE.** Subdivisions 1, 3, and 4 are effective the day following final
3.18 enactment. Subdivision 2 is effective January 1, 2025.