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S.25

Introduced by Senators Lyons, Clarkson, Harrison, Ram Hinsdale, Vyhovsky,
Watson, White and Wrenner

Referred to Committee on

Date:

Subject: Health; public health; chemicals; cosmetic products; menstrual
products; textiles; athletic turf fields

Statement of purpose of bill as introduced: This bill proposes to (1) prohibit
the manufacture, sale, and distribution in Vermont of cosmetic and menstrual
products containing certain chemicals and chemical classes; (2) prohibit the
manufacture, sale, and distribution in Vermont of textiles containing
perfluoroalkyl and polyfluoroalkyl substances; and (3) prohibit the installation
of any new athletic turf field containing perfluoroalkyl and polyfluoroalkyl
substances.

An act relating to regulating cosmetic and menstrual products containing
certain chemicals and chemical classes and textiles and athletic turf fields
containing perfluoroalkyl and polyfluoroalkyl substances

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 * * * Chemicals in Cosmetic and Menstrual Products * * *

3 Sec. 1. 18 V.S.A. chapter 36 is added to read:

4 CHAPTER 36. CHEMICALS IN COSMETIC AND MENSTRUAL
5 PRODUCTS

6 § 1721. DEFINITIONS

7 As used in this chapter:

8 (1) “Bisphenols” means any member of a class of industrial chemicals
9 that contain two hydroxyphenyl groups. Bisphenols are used primarily in the
10 manufacture of polycarbonate plastic and epoxy resins.

11 (2) “Cosmetic product” means articles or a component of articles
12 intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or
13 otherwise applied to the human body or any part thereof for cleansing,
14 promoting attractiveness, or improving or altering appearance, including those
15 intended for use by professionals. “Cosmetic product” does not mean soap,
16 dietary supplements, or food and drugs approved by the U.S. Food and Drug
17 Administration.

18 (3) “Formaldehyde releasing agent” means a chemical that releases
19 formaldehyde.

20 (4) “Intentionally added” means the addition of a chemical in a product
21 that serves an intended function in the product component.

1 (5) “Manufacturer” means any person, firm, association, partnership,
2 corporation, organization, joint venture, importer, or domestic distributor of a
3 cosmetic or menstrual product. As used in this subdivision, “importer” means
4 the owner of the product.

5 (6) “Menstrual product” means a product used to collect menstruation
6 and vaginal discharge, including tampons, pads, sponges, menstruation
7 underwear, disks, applicators, and menstrual cups, whether disposable or
8 reusable.

9 (7) “Ortho-phthalates” means any member of the class of organic
10 chemicals that are esters of phthalic acid containing two carbon chains located
11 in the ortho position.

12 (8) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a
13 class of fluorinated organic chemicals containing at least one fully fluorinated
14 carbon atom.

15 (9) “Professional” means a person granted a license pursuant to
16 26 V.S.A. chapter 6 to practice in the field of barbering, cosmetology,
17 manicuring, or esthetics.

18 § 1722. PROHIBITED CHEMICALS IN COSMETIC AND MENSTRUAL
19 PRODUCTS

20 (a) A manufacturer, supplier, or distributor shall not manufacture, sell,
21 offer for sale, distribute for sale, or distribute for use in this State any cosmetic

1 or menstrual product to which the following chemicals or chemical classes
2 have been intentionally added in any amount:

3 (1) Ortho-phthalates;

4 (2) PFAS;

5 (3) Bisphenols;

6 (4) Formaldehyde (CAS 50-00-0) and formaldehyde releasing agents;

7 (5) Arsenic and arsenic compounds (CAS 7440-38-2);

8 (6) Methylene glycol (CAS 463-57-0);

9 (7) Mercury and mercury compounds (CAS 7439-97-6);

10 (8) Styrene (CAS 100-42-5);

11 (9) 1, 4-dioxane (CAS 123-91-1);

12 (10) Cadmium and cadmium compounds (CAS 7440-43-9);

13 (11) Octamethylcyclotetrasiloxane (CAS 556-67-2);

14 (12) Toluene (CAS 108-88-3);

15 (13) Isopropylparaben (CAS 4191-73-5);

16 (14) Phenylparaben (CAS 17696-62-7);

17 (15) Propylparaben (CAS 94-13-3);

18 (16) Butylparaben (CAS 94-26-8);

19 (17) Pentylparaben (CAS 99-76-3);

20 (18) Lead and lead compounds (CAS 7439-92-1);

21 (19) Asbestos;

1 (20) Ethyl acrylate (CAS 140-88-5);

2 (21) Aluminum salts;

3 (22) Triclosan (CAS 3380-34-5);

4 (23) Methylisothiazolinone (CAS 2682-20-4);

5 (24) Methylchloroisothiazolinone (CAS 26172-55-4);

6 (25) m-phenylenediamine and its salts (CAS 108-42-5);

7 (26) o-phenylenediamine and its salts (CAS 95-54-5); and

8 (27) p-phenylenediamine and its salts (CAS 106-50-3).

9 (b) A cosmetic or menstrual product made through manufacturing
10 processes intended to comply with this chapter and containing a technically
11 unavoidable trace quantity of a chemical or chemical class listed in subsection
12 (a) of this section shall not be in violation of this chapter on account of the
13 trace quantity where it is the result of:

14 (1) natural or synthetic ingredients;

15 (2) the manufacturing process;

16 (3) storage; or

17 (4) migration from packaging.

18 (c) The manufacturer of a cosmetic or menstrual product containing 1,4
19 dioxane, lead, lead compounds, or any combination of these chemicals may
20 apply to the Department of Health for a one-year waiver from subsection (a) of
21 this section. The Department shall only approve a waiver application in which

1 the manufacturer submits evidence that the manufacturer has taken steps to
2 reduce the presence of 1,4 dioxane, lead, lead compounds, or any combination
3 of these chemicals in the cosmetic or menstrual product and is still unable to
4 comply with subsection (a) of this section. The Department shall not approve
5 more than two one-year waiver applications for a particular product.

6 § 1723. PENALTIES

7 (a) A violation of this chapter shall be deemed a violation of the Consumer
8 Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same
9 authority to make rules, conduct civil investigations, enter into assurances of
10 discontinuance, and bring civil actions, and private parties have the same rights
11 and remedies as provided under 9 V.S.A. chapter 63, subchapter 1.

12 (b) Nothing in this section shall be construed to preclude or supplant any
13 other statutory or common law remedies.

14 Sec. 2. COMMUNITY ENGAGEMENT PLAN

15 On or before December 1, 2024, the Department of Health shall develop,
16 adopt, and submit a community engagement plan to the Senate Committee on
17 Health and Welfare and to the House Committee on Human Services related to
18 the enactment of 18 V.S.A. chapter 36. The community engagement plan
19 shall:

20 (1) identify cosmetic products marketed to individuals who are Black,
21 Indigenous, or Persons of Color that contain potentially harmful ingredients;

1 (2) direct outreach to provide culturally appropriate education
2 concerning harmful ingredients used in cultural and other cosmetic products,
3 prioritizing engagement with vulnerable populations;

4 (3) make recommendations for priority chemicals or products to be
5 regulated; and

6 (4) include methods for outreach and communication with those who
7 face barriers to participation, such as language.

8 * * * PFAS in Textiles * * *

9 Sec. 3. 18 V.S.A. chapter 33C is amended to read:

10 CHAPTER 33C. PFAS IN SKI WAX AND TEXTILES

11 § 1691. DEFINITIONS

12 As used in this chapter:

13 (1) “Apparel” means any of the following:

14 (A) Clothing items intended for regular wear or formal occasions,
15 including undergarments, shirts, pants, skirts, dresses, overalls, bodysuits,
16 costumes, vests, dancewear, suits, saris, scarves, tops, leggings, school
17 uniforms, leisurewear, athletic wear, sports uniforms, everyday swimwear,
18 formal wear, onesies, bibs, diapers, footwear, and everyday uniforms for
19 workwear. Clothing items intended for regular wear or formal occasions does
20 not include personal protective equipment or clothing items for exclusive use
21 by the U.S. Armed Forces.

1 (B) Outdoor apparel.

2 (C) Outdoor apparel for severe wet conditions.

3 (2) “Department” means the Department of Health.

4 ~~(2)~~(3) “Intentionally added” means the addition of a chemical in a
5 product that serves an intended function in the product component.

6 (4) “Outdoor apparel” means clothing items intended primarily for
7 outdoor activities, including hiking, camping, skiing, climbing, bicycling, and
8 fishing.

9 ~~(3)~~(5) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” has
10 the same meaning as in section 1661 of this title.

11 (6) “Personal protective equipment” has the same meaning as in section
12 1661 of this title.

13 ~~(4)~~(7) “Ski wax” means a lubricant applied to the bottom of snow
14 runners, including skis and snowboards, to improve their grip and glide
15 properties.

16 (8) “Textile” means any item made in whole or part from a natural,
17 manmade, or synthetic fiber, yarn, or fabric, and includes leather, cotton, silk,
18 jute, hemp, wool, viscose, nylon, or polyester. “Textile” does not include
19 single-use paper hygiene products, including toilet paper, paper towels, tissues,
20 or single-use absorbent hygiene products.

1 (9) “Textile articles” means textile goods of a type customarily and
2 ordinarily used in households and businesses, and includes apparel,
3 accessories, handbags, backpacks, draperies, shower curtains, furnishings,
4 upholstery, bedding, towels, napkins, and table cloths. “Textile articles” does
5 not include:

6 (A) a vehicle, as defined in 1 U.S.C. § 4, or its component parts;

7 (B) a vessel, as defined in 1 U.S.C. § 3, or its component parts;

8 (C) an aircraft, as defined in 49 U.S.C. § 40102(a)(6), or its
9 component parts;

10 (D) filtration media and filter products used in industrial applications,
11 including chemical or pharmaceutical manufacturing and environmental
12 control technologies; and

13 (E) textile articles used for laboratory analysis and testing.

14 § 1692. SKI WAX

15 (a) A manufacturer, supplier, or distributor shall not manufacture, sell,
16 offer for sale, distribute for sale, or distribute for use in this State ski wax or
17 related tuning products to which PFAS have been intentionally added in any
18 amount.

19 (b) This section shall not apply to the sale or resale of used products.

1 § 1692a. TEXTILES

2 (a) A manufacturer, supplier, or distributor shall not manufacture, sell,
3 offer for sale, distribute for sale, or distribute for use in this State a textile or
4 textile article to which PFAS have been intentionally added in any amount.

5 (b) This section shall not apply to the sale or resale of used products.

6 § 1693. CERTIFICATE OF COMPLIANCE

7 The Attorney General may request a certificate of compliance from a
8 manufacturer of ski wax, textiles, or textile articles. Within 30 days after
9 receipt of the Attorney General's request for a certificate of compliance, the
10 manufacturer shall:

11 (1) provide the Attorney General with a certificate attesting that the
12 manufacturer's product or products comply with the requirements of this
13 chapter; or

14 (2) notify persons who are selling a product of the manufacturer's in this
15 State that the sale is prohibited because the product does not comply with this
16 chapter and submit to the Attorney General a list of the names and addresses of
17 those persons notified.

18 § 1694. RULEMAKING

19 Pursuant to 3 V.S.A. chapter 25, the Commissioner shall adopt any rules
20 necessary for the implementation, administration, and enforcement of this
21 chapter.

1 § 1695. PENALTIES

2 (a) A violation of this chapter shall be deemed a violation of the Consumer
3 Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same
4 authority to make rules, conduct civil investigations, enter into assurances of
5 discontinuance, and bring civil actions, and private parties have the same rights
6 and remedies as provided under 9 V.S.A. chapter 63, subchapter 1.

7 (b) Nothing in this section shall be construed to preclude or supplant any
8 other statutory or common law remedies.

9 * * * PFAS in Turf Fields * * *

10 Sec. 4. 18 V.S.A. chapter 33D is added to read:

11 CHAPTER 33D. PFAS IN ATHLETIC TURF FIELDS

12 § 1696. DEFINITIONS

13 As used in this chapter:

14 (1) “Athletic turf field” means an artificial or synthetic recreation area
15 used for competitive outdoor sports that is owned or operated by a public or
16 private postsecondary education institution that operates in Vermont.

17 (2) “Department” means the Department of Health.

18 (3) “Intentionally added” means the addition of a chemical in a product
19 that serves an intended function in the product component.

20 (4) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” has the
21 same meaning as in section 1661 of this title.

1 § 1697. ATHLETIC TURF FIELDS

2 A manufacturer, supplier, or distributor shall not manufacture, sell, offer for
3 sale, distribute for sale, or distribute for use in this State an athletic turf field to
4 which PFAS have been intentionally added in any amount.

5 § 1698. CERTIFICATE OF COMPLIANCE

6 The Attorney General may request a certificate of compliance from a
7 manufacturer of an athletic turf field. Within 30 days after receipt of the
8 Attorney General's request for a certificate of compliance, the manufacturer
9 shall:

10 (1) provide the Attorney General with a certificate attesting that the
11 manufacturer's product or products comply with the requirements of this
12 chapter; or

13 (2) notify persons who are selling a product of the manufacturer's in this
14 State that the sale is prohibited because the product does not comply with this
15 chapter and submit to the Attorney General a list of the names and addresses of
16 those persons notified.

17 § 1699. RULEMAKING

18 Pursuant to 3 V.S.A. chapter 25, the Commissioner shall adopt any rules
19 necessary for the implementation, administration, and enforcement of this
20 chapter.

1 § 1699a. PENALTIES

2 (a) A violation of this chapter shall be deemed a violation of the Consumer
3 Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same
4 authority to make rules, conduct civil investigations, enter into assurances of
5 discontinuance, and bring civil actions, and private parties have the same rights
6 and remedies as provided under 9 V.S.A. chapter 63, subchapter 1.

7 (b) Nothing in this section shall be construed to preclude or supplant any
8 other statutory or common law remedies.

9 * * * Effective Dates * * *

10 Sec. 5. EFFECTIVE DATES

11 This act shall take effect on July 1, 2023, except that Sec. 1 (chemicals in
12 cosmetic and menstrual products) and Sec. 3 (PFAS in ski wax and textiles)
13 shall take effect on January 1, 2026.