



Substitute Senate Bill No. 292

Public Act No. 24-59

AN ACT CONCERNING THE USE OF PFAS IN CERTAIN PRODUCTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

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

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

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

(3) "Apparel" means any of the following: Clothing items intended for daily regular wear or formal occasions, including, but not limited to, undergarments, shirts, pants, skirts, dresses, overalls, bodysuits, costumes, vests, dancewear, suits, saris, scarves, tops, leggings, school uniforms, leisurewear, athletic wear, sports uniforms, outdoor apparel, everyday swimwear, formal wear, onesies, bibs, diapers, footwear, accessories, handbags, backpacks and uniforms for workwear. "Apparel" does not include personal protective equipment or clothing

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items for exclusive use by the United States military or in aerospace or defense applications; or outdoor apparel intended for severe wet conditions.

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

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

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

(7) "Children's product" means a product designed or marketed for use by infants and children under twelve years of age, including, but not limited to, a baby or toddler foam pillow, bassinet, bedside sleeper, booster seat, changing pad, child restraint system for use in motor vehicles and aircraft, co-sleeper, crib mattress, highchair, highchair pad, infant bouncer, infant carrier, infant seat, infant sleep positioner, infant swing, infant travel bed, infant walker, nap cot, nursing pad, nursing pillow, play mat, playpen, play yard, polyurethane foam mat, pad or pillow, portable foam nap mat, portable infant sleeper, portable hook-on chair, soft-sided portable crib, stroller or toddler mattress. "Children's product" does not include any children's electronic product

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such as a personal computer, audio and video equipment, calculator, wireless phone, game console, handheld device incorporating a video screen or any associated peripheral such as a mouse, keyboard, power supply unit or power cord or an adult mattress.

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

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

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

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

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

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

(14) "Intentionally added PFAS" means PFAS deliberately added

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during the manufacture of a product where the continued presence of PFAS is desired in the final product or one of the product's components to perform a specific function.

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

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

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

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

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

(20) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means all members of the class of fluorinated organic chemicals

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containing at least one fully fluorinated carbon atom.

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

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

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

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

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

(26) "Textile furnishings" means textile goods of a type customarily used in households and businesses, including, but not limited to, draperies, floor coverings, furnishings, bedding, shower curtains, towels and tablecloths. "Textile furnishings" does not include: any textile good intended solely for use inside automobiles, light duty trucks, vans, buses or any other vehicle, carpets and rugs, treatments containing PFAS for use on converted textiles or leathers, any vessel, or its component parts, including boat covers, filtration media and filter

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products used in industrial applications, including, but not limited to, chemical or pharmaceutical manufacturing and environmental control applications, textile articles used in or for laboratory analysis and testing, any aircraft, or its component parts, stadium shades or other architectural fabric structures, articles intended to provide a barrier against biological fluids and other infectious agents, such as medical gowns and caps, surgical drapes and covers, hospital linens, wound care pads and dressings, surgical hosiery and personal protective equipment. For purposes of this subdivision, "architectural fabric structure" means a permanent fabric structure that is intrinsic to a building's design or construction.

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

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

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

(b) (1) On and after July 1, 2026, no person shall manufacture, sell,

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offer for sale or distribute for sale in this state any (A) apparel; (B) carpet or rug; (C) cleaning product; (D) cookware; (E) cosmetic product; (F) dental floss; (G) fabric treatment; (H) children's product; (I) menstruation product; (J) textile furnishing; (K) ski wax; or (L) upholstered furniture if such product contains intentionally added PFAS, unless the manufacturer of the product provides prior notification in writing to the department in accordance with the requirements of this subsection. Such notification shall at a minimum include: (i) A brief description of the product to be offered for sale, used or distributed, including the product category and the function of PFAS in the product; (ii) all relevant chemical abstract service registry numbers or, if no such number is applicable, the molecular formulas and weights for all PFAS intentionally added to the product; (iii) for each product category: (I) The amount of each PFAS or subgroups in each category; (II) the range of PFAS in the product category by per cent weight; (III) if no analytical method exists, the amount of total fluorine present in the product category; (IV) the purpose for which the PFAS is used in the product; and (V) the name and address of the manufacturer, and the name, address and phone number of a contact person for the manufacturer.

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

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

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

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(c) (1) On and after January 1, 2026, no person shall distribute, sell or offer for sale in this state any new or not-previously-used outdoor apparel for severe wet conditions that contains PFAS unless such product is accompanied by a legible and easily discernable disclosure with the statement "Made with PFAS chemicals", including for any online listing of such products for sale. On and after January 1, 2026, if a manufacturer or other person sells turnout gear that contains intentionally added PFAS, the manufacturer or person shall provide written notice to the purchaser at the time of sale that indicates that the turnout gear includes intentionally added PFAS and the reason PFAS is added to the turnout gear. On and after July 1, 2026, no person shall manufacture, sell, offer for sale or distribute for sale in this state any (A) apparel; (B) carpet or rug; (C) cleaning product; (D) cookware; (E) cosmetic product; (F) dental floss; (G) fabric treatment; (H) children's product; (I) menstruation product; (J) textile furnishing; (K) ski wax; or (L) upholstered furniture if such product contains intentionally added PFAS, unless such product is labeled in accordance with this subsection. Nothing in this subsection shall be construed to require or replace such disclosure, notice or labeling that is otherwise prohibited or prescribed by federal law.

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

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

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

(5) The manufacturer shall apply any product and package labels

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required under this subsection unless the wholesaler or retailer agrees with the manufacturer to accept responsibility for such application.

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

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

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

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

(2) Upon written request by the department, a certificate of compliance, or copies thereof, stating that a product is in compliance with the requirements of this section shall be furnished by the product's

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manufacturer or supplier to the department. When requested by the Commissioner of Energy and Environmental Protection, any person shall furnish to the commissioner any information that the person may have or may reasonably obtain that is relevant to show compliance with the provisions of this section.

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

(h) (1) The department may participate in the establishment and implementation of a multijurisdictional clearinghouse to assist in carrying out the requirements of this section and to assist in coordinating the review of manufacturer applications and obligations under this section. Such multijurisdictional clearinghouse may also maintain a database of all products containing intentionally added PFAS and a file on all exemptions granted by the participating jurisdictions.

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

(i) The commissioner may impose fees sufficient to cover the costs of administering the provisions of this section, including, but not limited

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to, participation in a multijurisdictional clearinghouse described in subsection (h) of this section. Such fees shall be established annually, based on an actual accounting of program costs, and the amounts shall be posted on the department's Internet web site. Any such fee shall be utilized by the commissioner to cover any costs of the department associated with the provisions of this section. Any fee collected pursuant to this subsection shall be deposited by the commissioner in the PFAS testing account established pursuant to section 22a-903b of the general statutes, as amended by this act.

(j) The provisions of this section shall not be construed to apply to: (1) Any product for which federal law governs or requires the presence of PFAS in the product in a manner that preempts state authority; (2) any product regulated under section 22a-903a or 22a-255i of the general statutes; (3) the sale or resale of a used product; (4) any prosthetic, orthotic device or product that is a medical device or drug or that is otherwise used in a medical setting or in medical applications regulated by the United States Food and Drug Administration; (5) any product made with not less than eighty-five per cent recycled content; (6) any product manufactured prior to any prohibition imposed by the provisions of this section; or (7) replacement parts for any product manufactured prior to any prohibition imposed by the provisions of this section.

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

There is established an account to be known as the PFAS Testing account which shall be a separate, nonlapsing account within the General Fund. Moneys in such account shall be used by the Commissioner of Energy and Environmental Protection, in consultation with the Commissioner of Public Health, to provide municipalities, as defined in section 7-381, and school districts with grants or

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reimbursements to test for the presence of PFAS contamination in drinking water supplies and to remediate any such contamination and for the implementation of section 1 of this act, including, but not limited to, any expense necessary for staffing administrative costs, enforcement, dues or other costs associated with the multistate clearinghouse established or implemented pursuant to subsection (h) of section (1) of this act. Such account shall contain all moneys required by law to be deposited in such account. Such account may receive funds from private or public sources, including, but not limited to, the federal government. For the purposes of this section, "PFAS" has the same meaning as provided in section 22a-255h.

Approved June 5, 2024