



General Assembly

February Session, 2024

***Raised Bill No. 292***

LCO No. 2248



Referred to Committee on ENVIRONMENT

Introduced by:  
(ENV)

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

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

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

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

5 (2) "Air care product" means a chemically formulated consumer  
6 product labeled to indicate that the purpose of the product is to enhance  
7 or condition the indoor environment by eliminating odors or freshening  
8 the air.

9 (3) "Apparel" means any of the following: (A) Clothing items  
10 intended for daily wear or formal occasions, including, but not limited  
11 to, undergarments, shirts, pants, skirts, dresses, overalls, bodysuits,  
12 costumes, vests, dancewear, suits, saris, scarves, tops, leggings, school  
13 uniforms, leisurewear, athletic wear, sports uniforms, swimwear,  
14 formal wear, onesies, bibs, diapers, footwear, accessories, handbags,  
15 backpacks and uniforms for workwear. "Apparel" does not include

16 personal protective equipment or clothing items for exclusive use by the  
17 United States military; (B) outdoor apparel; or (C) outdoor apparel  
18 intended for severe wet conditions.

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

26 (5) "Carpet or rug" means a fabric marketed or intended for use as a  
27 floor covering.

28 (6) "Children's product" means a product designed or marketed for  
29 use by infants and children under twelve years of age, including, but  
30 not limited to, a baby or toddler foam pillow, bassinet, bedside sleeper,  
31 booster seat, changing pad, child restraint system for use in motor  
32 vehicles and aircraft, co-sleeper, crib mattress, highchair, highchair pad,  
33 infant bouncer, infant carrier, infant seat, infant sleep positioner, infant  
34 swing, infant travel bed, infant walker, nap cot, nursing pad, nursing  
35 pillow, play mat, playpen, play yard, polyurethane foam mat, pad or  
36 pillow, portable foam nap mat, portable infant sleeper, portable hook-  
37 on chair, soft-sided portable crib, stroller or toddler mattress.  
38 "Children's product" does not include any children's electronic product  
39 such as a personal computer, audio and video equipment, calculator,  
40 wireless phone, game console, handheld device incorporating a video  
41 screen or any associated peripheral such as a mouse, keyboard, power  
42 supply unit or power cord or an adult mattress.

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

47 (8) "Commissioner" means the Commissioner of Energy and

48 Environmental Protection.

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

53 (10) "Cosmetic" means articles, excluding soap, that are intended to  
54 be rubbed, poured, sprinkled or sprayed on, introduced into or  
55 otherwise applied to the human body or any part thereof for the  
56 purpose of cleansing, beautifying, promoting attractiveness or altering  
57 the appearance of, and any item intended for use as a component of any  
58 such article.

59 (11) "Currently unavoidable use" means a use of PFAS that the  
60 commissioner determines by regulation adopted pursuant to subsection  
61 (d) of this section to be essential for health, safety or the functioning of  
62 society and for which an alternative is not reasonably available.

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

66 (13) "Intentionally added" means PFAS deliberately added during the  
67 manufacture of a product where the continued presence of PFAS is  
68 desired in the final product or one of the product's components to  
69 perform a specific function.

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

76 (15) "Medical device" has the same meaning as "device", as provided  
77 in 21 USC 321(h).

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

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

90 (18) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS"  
91 means a class of fluorinated organic chemicals containing at least one  
92 fully fluorinated carbon atom.

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

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

103 (21) "Product component" means any identifiable component of a  
104 product, regardless of whether the manufacturer of the product is the  
105 manufacturer of the component.

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

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

112 (24) "Textile furnishings" means textile goods of a type customarily  
113 used in households and businesses, including, but not limited to,  
114 draperies, floor coverings, furnishings, bedding, shower curtains,  
115 towels and tablecloths.

116 (25) "Upholstered furniture" means an article of furniture that is  
117 designed to be used for sitting, resting or reclining and that is wholly or  
118 partly stuffed or filled with any filling material.

119 (b) (1) On or before January 1, 2027, each manufacturer of a product  
120 sold, offered for sale or distributed in this state that contains  
121 intentionally added PFAS shall submit to the Commissioner of Energy  
122 and Environmental Protection information that includes: (A) A brief  
123 description of the product, including a universal product code, stock-  
124 keeping unit or other numeric code assigned to such product; (B) the  
125 purpose for which PFAS is used in the product, including in any  
126 product component; (C) the amount of each PFAS, identified by its  
127 chemical abstracts service registry number, in the product, reported as  
128 an exact quantity determined using commercially available analytical  
129 methods or as falling within a range approved for reporting purposes  
130 by the commissioner; (D) the name and address of such manufacturer  
131 and the name, address and phone number of a contact person for the  
132 manufacturer; and (E) any additional information requested by the  
133 commissioner as necessary to implement the requirements of this  
134 section.

135 (2) With the approval of the commissioner, a manufacturer may  
136 supply the information required in subdivision (1) of this subsection for  
137 a category or type of product rather than for each individual product.

138 (3) A manufacturer shall submit the information required in  
139 subdivision (1) of this subsection whenever a new product that contains  
140 intentionally added PFAS is sold, offered for sale or distributed in this

141 state by the manufacturer and such manufacturer shall update and  
142 revise such information whenever there is significant change in such  
143 information or when requested to do so by the commissioner.

144 (4) No person may sell, offer for sale or distribute for sale in this state  
145 any product that contains intentionally added PFAS if the manufacturer  
146 failed to provide the information required in subdivision (1) of this  
147 subsection and such person receives notification of such prohibition  
148 from the commissioner in accordance with subsection (d) of this section.

149 (c) (1) Notwithstanding the provisions of subsection (b) of this  
150 section, the commissioner may waive all or part of the information  
151 requirements of subsection (b) of this section if the commissioner  
152 determines that substantially equivalent information is already publicly  
153 available. The commissioner may grant a waiver under this subdivision  
154 to a manufacturer or a group of manufacturers for multiple products or  
155 a product category.

156 (2) For a pesticide regulated under chapter 441 of the general statutes,  
157 a fertilizer regulated under chapter 427a of the general statutes, an  
158 agricultural liming material or a soil amendment regulated under  
159 chapter 427b of the general statutes, a manufacturer may satisfy the  
160 requirements of subsection (b) of this section by submitting the  
161 information required by such subsection as part of the manufacturer's  
162 annual registration or approval process under chapter 441, 427a or 427b  
163 of the general statutes, as applicable. For information that is regulated  
164 under chapter 441, 427a or 427b of the general statutes, as applicable, the  
165 commissioner and the Commissioner of Agriculture shall jointly  
166 determine whether to make the information publicly available based on  
167 such applicable statutes.

168 (3) Notwithstanding the provisions of subsection (b) of this section,  
169 the Commissioner of Energy and Environmental Protection may enter  
170 into an agreement with one or more other states or political subdivisions  
171 of a state to collect information and may accept information to such a  
172 shared system as meeting the information requirement in subsection (b)

173 of this section.

174 (4) Notwithstanding the provisions of subsection (b) of this section,  
175 the Commissioner of Energy and Environmental Protection may extend  
176 the deadline for submission by a manufacturer of the information  
177 required in subsection (b) of this section if said commissioner  
178 determines that more time is needed by the manufacturer to comply  
179 with such submission requirement.

180 (d) (1) Whenever the commissioner has reason to believe that a  
181 product contains intentionally added PFAS and the product is being  
182 offered for sale in this state, the commissioner may direct the  
183 manufacturer of the product to, not later than thirty days after receipt of  
184 notice from the commissioner, provide the commissioner with testing  
185 results that demonstrate the amount of PFAS, identified by each of its  
186 chemical abstracts service registry numbers, that are in the product,  
187 reported as an exact quantity determined using commercially available  
188 analytical methods or as falling within a range approved for reporting  
189 purposes by the commissioner.

190 (2) If such testing demonstrates that the product does not contain  
191 intentionally added PFAS, the manufacturer shall provide the  
192 commissioner a certificate attesting that the product does not contain  
193 intentionally added PFAS, including such testing results and any other  
194 relevant information.

195 (3) If testing demonstrates that the product contains intentionally  
196 added PFAS, the manufacturer shall provide the commissioner with the  
197 testing results and the information required in subsection (b) of this  
198 section.

199 (4) Each manufacturer shall notify any person who sells, or offers for  
200 sale a product prohibited under subdivision (4) of subsection (b) of this  
201 section or subsection (e) of this section that the sale of such product is  
202 prohibited in this state and such manufacturer shall provide the  
203 Commissioner of Energy and Environmental Protection with a list of the  
204 names and addresses of any person notified pursuant to this

205 subdivision.

206 (5) The commissioner may notify persons who sell or offer for sale a  
207 product prohibited under subdivision (4) of subsection (b) of this section  
208 or subsection (e) of this section that the sale of such product is prohibited  
209 in this state.

210 (e) (1) On and after January 1, 2026, no person shall sell, offer for sale  
211 or distribute for sale in this state any of the following products if the  
212 product contains intentionally added PFAS: (1) Apparel; (2) carpets or  
213 rugs; (3) cleaning products; (4) cookware; (5) cosmetics; (6) dental floss;  
214 (7) fabric treatments; (8) children's products; (9) menstruation products;  
215 (10) textile furnishings; (11) ski wax; or (12) upholstered furniture.

216 (2) On and after January 1, 2032, no person may sell, offer for sale or  
217 distribute for sale in this state any product that contains intentionally  
218 added PFAS, unless the Commissioner of Energy and Environmental  
219 Protection determines, by regulations adopted in accordance with the  
220 provisions of chapter 54 of the general statutes, that the use of PFAS in  
221 such product is a currently unavoidable use, provided the  
222 commissioner may not determine that the use of PFAS in a product is a  
223 currently unavoidable use if the product is listed in subdivision (1) of  
224 this subsection.

225 (3) In adopting regulations pursuant to subdivision (2) of this  
226 subsection, the commissioner may specify specific products or product  
227 categories for which the commissioner finds that the use of PFAS is a  
228 currently unavoidable use.

229 (4) The Commissioner of Energy and Environmental Protection may  
230 not take action under subdivision (2) or (3) of this subsection for any  
231 pesticide that is regulated under chapter 441 of the general statutes, a  
232 fertilizer regulated under chapter 427a of the general statutes or an  
233 agricultural liming material or a soil amendment regulated under  
234 chapter 427b of the general statutes, unless the Commissioner of  
235 Agriculture approves such action.



236 (f) The Commissioner of Energy and Environmental Protection may  
237 adopt regulations, in accordance with chapter 54 of the general statutes,  
238 to establish a fee payable by each manufacturer to the commissioner  
239 upon submission of the information required in subsection (b) of this  
240 section to cover the Department of Energy and Environmental  
241 Protection's reasonable costs to implement the provisions of this section.

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

247 (2) When requested by the Commissioner of Energy and  
248 Environmental Protection, any person shall furnish to the commissioner  
249 any information that the person may have or may reasonably obtain that  
250 is relevant to show compliance with the provisions of this section.

251 (h) (1) The provisions of this section shall not be construed to apply  
252 to: (A) Any product for which federal law governs the presence of PFAS  
253 in the product in a manner that preempts state authority; (B) any  
254 product regulated under section 22a-903a or 22a-255i of the general  
255 statutes; or (C) the sale or resale of a used product.

256 (2) The provisions of subsections (d) and (e) of this section shall not  
257 be construed to apply to any prosthetic or orthotic device or to any  
258 product that is a medical device or drug or that is otherwise used in a  
259 medical setting or in medical applications regulated by the United States  
260 Food and Drug Administration.

261 (3) Notwithstanding any other provision of this section, the  
262 provisions of subsections (d) and (e) of this section shall not be  
263 construed to apply to outdoor apparel for severe wet conditions until  
264 January 1, 2028, provided on and after January 1, 2026, no person shall  
265 distribute, sell or offer for sale in this state any new or not-previously-  
266 used outdoor apparel for severe wet conditions that contains PFAS  
267 unless such product is accompanied by a legible and easily discernable

268 disclosure with the statement "Made with PFAS chemicals", including  
269 for any online listing of such products for sale.

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

273 There is established an account to be known as the PFAS Testing  
274 account which shall be a separate, nonlapsing account within the  
275 General Fund. Moneys in such account shall be used by the  
276 Commissioner of Energy and Environmental Protection, in consultation  
277 with the Commissioner of Public Health, to provide municipalities, as  
278 defined in section 7-381, and school districts with grants or  
279 reimbursements to test for the presence of PFAS contamination in  
280 drinking water supplies and to remediate any such contamination. Such  
281 account shall contain all moneys required by law to be deposited in such  
282 account. Such account may receive funds from private or public sources,  
283 including, but not limited to, the federal government. For the purposes  
284 of this section, "PFAS" has the same meaning as provided in section 22a-  
285 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

**Statement of Purpose:**  
To prohibit the use of PFAS in certain products.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*