

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred Senate Bill No.
3 25 entitled “An act relating to regulating cosmetic and menstrual products
4 containing certain chemicals and chemical classes and textiles and athletic turf
5 fields containing perfluoroalkyl and polyfluoroalkyl substances” respectfully
6 reports that it has considered the same and recommends that the House propose
7 to the Senate that the bill be amended by striking out all after the enacting
8 clause and inserting in lieu thereof the following:

9 * * * Chemicals in Cosmetic and Menstrual Products * * *

10 Sec. 1. 18 V.S.A. chapter 33B is added to read:

11 CHAPTER 33B. CHEMICALS IN COSMETIC AND MENSTRUAL
12 PRODUCTS

13 § 1681. DEFINITIONS

14 As used in this chapter:

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

18 (2) “Cosmetic product” means articles or a component of articles
19 intended to be rubbed, poured, sprinkled, or sprayed on; introduced into; or
20 otherwise applied to the human body or any part thereof for cleansing,
21 promoting attractiveness, or improving or altering appearance, including those

1 intended for use by professionals. “Cosmetic product” does not mean soap,
2 dietary supplements, or food and drugs approved by the U.S. Food and Drug
3 Administration.

4 (3) “Formaldehyde-releasing agent” means a chemical that releases
5 formaldehyde.

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

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

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

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

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

1 (9) “Professional” means a person granted a license pursuant to
2 26 V.S.A. chapter 6 to practice in the field of barbering, cosmetology,
3 manicuring, or esthetics.

4 § 1682. PROHIBITED CHEMICALS IN COSMETIC AND MENSTRUAL
5 PRODUCTS

6 (a) A manufacturer, supplier, or distributor shall not manufacture, sell,
7 offer for sale, distribute for sale, or distribute for use in this State any cosmetic
8 or menstrual product to which the following chemicals or chemical classes
9 have been intentionally added in any amount:

10 (1) ortho-phthalates;

11 (2) PFAS and their salts;

12 (3) formaldehyde (CAS 50-00-0) and formaldehyde releasing agents;

13 (4) methylene glycol (CAS 463-57-0);

14 (5) mercury and mercury compounds (CAS 7439-97-6);

15 (6) 1, 4-dioxane (CAS 123-91-1);

16 (7) isopropylparaben (CAS 4191-73-5);

17 (8) isobutylparaben (CAS 4247-02-3);

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

19 (10) asbestos;

20 (11) dibutyl phthalate (CAS 84-74-2);

21 (12) triclosan (CAS 3380-34-5);

1 (13) m-phenylenediamine and its salts (CAS 108-42-5);

2 (14) o-phenylenediamine and its salts (CAS 95-54-5);

3 (15) diethylhexyl phthalate (CAS 117-81-7);

4 (16) paraformaldehyde (CAS 30525-89-4);

5 (17) quaternium-15 (CAS 51229-78-8);

6 (18) styrene (CAS 100-42-5);

7 (19) octamethylcyclotetrasiloxane (CAS 556-67-2); and

8 (20) toluene (CAS 108-88-3).

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 § 1683. 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. RECOMMENDATION; HEALTH EQUITY ADVISORY

15 COMMITTEE

16 As part of its 2024 annual report, the Health Equity Advisory Committee
17 established pursuant to 18 V.S.A. § 252 shall provide recommendations to the
18 Senate Committee on Health and Welfare and to the House Committee on
19 Human Services as to whether the list of prohibited chemicals in 18 V.S.A.
20 § 1682 shall be amended to include additional chemicals that may
21 disproportionately impact individuals who are Black, Indigenous, and Persons

1 of Color or individuals from other marginalized communities.

2 * * * PFAS in Consumer Products * * *

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

4 CHAPTER 33C. PFAS IN SKI-WAX CONSUMER PRODUCTS

5 § 1691. DEFINITIONS

6 As used in this chapter:

7 (1) “Adult mattress” means a mattress other than a crib or toddler
8 mattress.

9 (2) “Apparel” means any of the following:

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

18 (B) Outdoor apparel.

19 (3) “Aftermarket stain and water resistant treatments” means treatments
20 for textile and leather consumer products used in residential settings that have
21 been treated during the manufacturing process for stain, oil, and water

1 resistance but excludes products marketed or sold exclusively for use at
2 industrial facilities during the manufacture of a carpet, rug, clothing, or shoe.

3 (4) “Athletic turf field” means an artificial or synthetic recreation area
4 used for competitive outdoor sports that is owned or operated by a public or
5 private primary, secondary, or postsecondary education institution that
6 operates in Vermont.

7 (5) “Cookware” means durable houseware items used to prepare,
8 dispense, or store food, foodstuffs, or beverages, including pots, pans, skillets,
9 grills, baking sheets, baking molds, trays, bowls, and cooking utensils.

10 (6) “Department” means the Department of Health.

11 (2)(7) “Intentionally added” means the addition of a chemical in a
12 product that serves an intended function in the product component, including
13 the use of PFAS in the manufacturing process. [Do you want this change made
14 in Sec. 1 or other existing PFAS chapters?]

15 (8) “Juvenile product” means a product designed or marketed for use by
16 infants and children under 12 years of age:

17 (A) including a baby or toddler foam pillow; bassinet; beside sleeper;
18 booster seat; changing pad; infant bouncer; infant carrier; infant seat; infant
19 sleep positioner; infant swing; infant travel bed; infant walker; nap cot; nursing
20 pad; nursing pillow; play mat; playpen; play yard; polyurethane foam mat, pad,
21 or pillow; portable foam nap mat; portable infant sleeper; portable hook-in

1 chair; soft-sided portable crib; stroller; toddler mattress; and disposable,
2 single-use diaper; and

3 (B) excluding a children’s electronic product, such as a personal
4 computer, audio and video equipment, calculator, wireless phone, game
5 console, handheld device incorporating a video screen, or any associated
6 peripheral such as a mouse, keyboard, power supply unit, or power cord; a
7 medical device; or an adult mattress;

8 (9) “Medical device” has the same meaning given to “device” in
9 21 U.S.C. § 321.

10 (10) “Outdoor apparel” means clothing items intended primarily for
11 outdoor activities, including hiking, camping, skiing, climbing, bicycling, and
12 fishing.

13 (11) “Outdoor apparel for severe wet conditions” means outdoor apparel
14 that are extreme and extended use products designed for outdoor sports experts
15 for applications that provide protection against extended exposure to extreme
16 rain conditions or against extended immersion in water or wet conditions, such
17 as from snow, in order to protect the health and safety of the user and that are
18 not marketed for general consumer use. Examples of extreme and extended
19 use products include outerwear for offshore fishing, offshore sailing,
20 whitewater kayaking, and mountaineering.

21 ~~(3)~~ (12) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” has

1 the same meaning as in section 1661 of this title.

2 (13) “Personal protective equipment” has the same meaning as in
3 section 1661 of this title.

4 (14) “Regulated perfluoroalkyl and polyfluoroalkyl substances” or
5 “regulated PFAS” means:

6 (A) PFAS that a manufacturer has intentionally added to a product
7 and that have a functional or technical effect in the product, including PFAS
8 components of intentionally added chemicals and PFAS that are intentional
9 breakdown products of an added chemical that also have a functional or
10 technical effect in the product; or

11 (B) the presence of PFAS in a product or product component at or
12 above 100 parts per million, as measured in total organic fluorine.

13 (15) “Rug or carpet” means a thick fabric used to cover floors.

14 ~~(4)~~(16) “Ski wax” means a lubricant applied to the bottom of snow
15 runners, including skis and snowboards, to improve their grip and glide
16 properties.

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

1 (18) “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. AFTERMARKET STAIN AND WATER-RESISTANT

2 TREATMENTS

3 (a) A manufacturer, supplier, or distributor shall not manufacture, sell,
4 offer for sale, distribute for sale, or distribute for use in this State aftermarket
5 stain and water-resistant treatments for rugs or carpets to which PFAS have
6 been intentionally added in any amount.

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

8 § 1682b. ATHLETIC TURF FIELDS

9 A manufacturer, supplier, or distributor shall not manufacture, sell, offer for
10 sale, distribute for sale, or distribute for use in this State an athletic turf field to
11 which PFAS have been intentionally added in any amount. This section shall
12 not apply to the sale of athletic turf fields that have already been approved by
13 voters prior to January 1, 2025.

14 § 1682c. COOKWARE

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 cookware to
17 which PFAS have been intentionally added in any amount.

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

19 § 1682d. JUVENILE 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 juvenile

1 products to which PFAS have been intentionally added in any amount.

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

3 § 1692e. RUGS AND CARPETS

4 (a) A manufacturer, supplier, or distributor shall not manufacture, sell,
5 offer for sale, distribute for sale, or distribute for use in this State a residential
6 rug or carpet to which PFAS have been added in any amount.

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

8 § 1692f. TEXTILES

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

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

14 § 1693. CERTIFICATE OF COMPLIANCE

15 The Attorney General may request a certificate of compliance from a
16 manufacturer of ski wax a consumer product regulated under this chapter.

17 Within 30 days after receipt of the Attorney General's request for a certificate
18 of compliance, the manufacturer shall:

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

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

5 § 1694. RULEMAKING

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

9 § 1695. PENALTIES

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

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

17 Sec. 4. 18 V.S.A. § 1691(14) is amended to read:

18 (14) “Regulated perfluoroalkyl and polyfluoroalkyl substances” or
19 “regulated PFAS” means:

20 (A) PFAS that a manufacturer has intentionally added to a product
21 and that have a functional or technical effect in the product, including PFAS

1 components of intentionally added chemicals and PFAS that are intentional
2 breakdown products of an added chemical that also have a functional or
3 technical effect in the product; or

4 (B) the presence of PFAS in a product or product component at or
5 above ~~100~~ 50 parts per million, as measured in total organic fluorine.

6 Sec. 5. 18 V.S.A. § 1691(2) is amended to read:

7 (2) “Apparel” means any of the following:

8 (A) Clothing items intended for regular wear or formal occasions,
9 including undergarments, shirts, pants, skirts, dresses, overalls, bodysuits,
10 costumes, vests, dancewear, suits, saris, scarves, tops, leggings, school
11 uniforms, leisurewear, athletic wear, sports uniforms, everyday swimwear,
12 formal wear, onesies, bibs, diapers, footwear, and everyday uniforms for
13 workwear. Clothing items intended for regular wear or formal occasions does
14 not include clothing items for exclusive use by the U.S. Armed Forces, ~~outdoor~~
15 ~~apparel for severe wet conditions~~, and personal protective equipment.

16 (B) Outdoor apparel.

17 (C) Outdoor apparel for severe wet conditions.

18 Sec. 6. IMPLEMENTATION PLAN; CONSUMER PRODUCTS

19 CONTAINING PFAS

20 (a) The Agency of Natural Resources, in consultation with the Agency of
21 Agriculture, Food and Markets; the Department of Health; and the Office of

1 the Attorney General shall propose a program requiring the State to identify
2 and restrict the sale and distribution of consumer products containing
3 perfluoroalkyl and polyfluoroalkyl substances (PFAS) that could impact public
4 health and the environment. The proposed program shall:

5 (1) identify categories of consumer products that could have an impact
6 on public health and environmental contamination;

7 (2) propose a process by which manufacturers determine whether a
8 consumer product contains PFAS and how that information is communicated
9 to the State;

10 (3) address how information about the presence or lack of PFAS in a
11 consumer product is conveyed to the public;

12 (4) describe which agency or department is responsible for
13 administration of the proposed program, including what additional staff,
14 information technology changes, and other resources, if any, are necessary to
15 implement the program;

16 (5) determine whether and how other states have structured and
17 implemented similar programs and identify the best practices used in these
18 efforts;

19 (6) propose definitions of “intentionally added,” “consumer product,”
20 and “perfluoroalkyl and polyfluoroalkyl substances”; and

21 (7) propose a related public service announcement program and website

1 content to inform the public and health care providers about the potential
2 public health impacts of exposure to PFAS and actions that can be taken to
3 reduce risk.

4 (b) The Agency of Natural Resources shall obtain input on its
5 recommendation from interested parties, including those that represent
6 environmental, agricultural, and industry interests.

7 (c) On or before November 1, 2024, the Agency of Natural Resources shall
8 submit an implementation plan developed pursuant to this section and
9 corresponding draft legislation to the House Committees on Environment and
10 Energy and on Human Services and the Senate Committees on Health and
11 Welfare and on Natural Resources and Energy.

12 (d) For the purposes of this section, “consumer products” includes
13 restricted and nonrestricted use pesticides.

14 * * * Repeal * * *

15 **Sec. 7. REPEAL; PFAS IN RUGS, CARPETS, AND AFTERMARKET**

16 **STAIN AND WATER-RESISTANT TREATMENTS**

17 **18 V.S.A. chapter 33B (PFAS in rugs, carpets, and aftermarket stain and**

18 **water-resistant treatments) is repealed on January 1, 2025.**

19 * * * Effective Dates * * *

20 **Sec. 8. EFFECTIVE DATES**

21 This act shall take effect on July 1, 2024, except that:

- 1 (1) Sec. 3 (PFAS in consumer products) shall take effect on January 1,
2 2025;
- 3 (2) Sec. 1 (chemicals in cosmetic and menstrual products) and Sec. 4
4 (18 V.S.A. § 1691(14)) shall take effect on July 1, 2027; and
- 5 (3) Sec. 5 (18 V.S.A. § 1691(2)) shall take effect on July 1, 2028.

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13 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE