

S. 25: 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

as passed by the Senate

**Sec. 1. Creates 18 V.S.A. chapter 36 (Chemicals in Cosmetic and Menstrual Products)—
*Effective January 1, 2025***

- § 1721. Definitions
 - Adds new definitions

- § 1722. Prohibited Chemicals in Cosmetic and Menstrual Products
 - (a) Prohibits manufacturers, suppliers, or distributors from selling, offering for sale, or distributing for sale or use any cosmetic or menstrual product containing any intentionally added chemicals or chemical classes listed in subdiv. (a)(1)–(14)
 - (b) Cosmetic and menstrual products made through manufacturing processes intended to comply with this chapter and containing a technically unavoidable trace quantity of a chemical or chemical class listed in subsection (a) resulting from natural or synthetic ingredients, the manufacturing process, storage, or migration from packaging are not in violation of subsec. (a)
 - (c) Allows manufacturers of cosmetic and menstrual products contains 1,4 dioxane, lead, lead compounds, or a combination thereof to apply to the Dept. of Health for a one-year waiver from subsection (a) restrictions
 - Dept. of Health shall only approve waiver applications from noncompliant manufacturers that submit evidence of efforts to reduce certain chemicals in cosmetic or menstrual products
 - Dept. of Health cannot approve more than 2 one-year waiver applications for a particular product

- § 1723. Penalties
 - (a) The Attorney General has the same authorities, and private parties have the same rights and remedies, as provided under 9 V.S.A. chapter 63, subchapter 1 (consumer protection)
 - (b) This section does not preclude any other statutory or common law remedies

Sec. 2. Community Engagement Plan

- By 12/1/25, the Dept. of Health is required to develop, adopt, and submit a community engagement plan to HHS/SHW relating to the enactment of 18 V.S.A. chapter 36 (chemicals in cosmetic and menstrual products)
- The plan shall:
 - identify cosmetic products marketed to individuals who are Black, Indigenous, or Persons of Color that contain potentially harmful ingredients;
 - direct outreach to provide culturally appropriate education;
 - make recommendations for priority chemicals or products to be regulated; and
 - methods for outreach and communication with those who face barriers to participation

Sec. 3. Amends 18 V.S.A. chapter 33C (PFAS in Ski Wax and Textiles)—Effective January 1, 2025

- § 1691. Definitions
 - Adds definitions of “apparel”, “outdoor apparel”, “outdoor apparel for severe wet conditions”, “personal protective equipment”, “regulated PFAS”, “textile”, and “textile articles”
- § 1692. Ski Wax – no changes
- § 1692a. Textiles
 - (a) Prohibits manufacturers, suppliers, or distributors from selling, offering for sale, or distributing for sale or use textiles or textile articles to which regulated PFAS were intentionally added
 - (b) Specifies that this section does not apply to the sale or resale of used products
- § 1693. Certificate of Compliance
 - Permits the Attorney General to request a certificate of compliance from manufacturers of ski wax, textiles, or textile articles
 - W/in 30 days of receiving the request, the manufacturer must either:
 - provide a certificate stating that the manufacturer’s products comply with the requirements of this chapter; or
 - notify sellers of the manufacturer’s products that the sale of the product is prohibited and submit a list of notified sellers to the Attorney General
- § 1694. Rulemaking – no changes
- § 1695. Penalties – no changes

Sec. 3a. Amends 18 V.S.A. § 1691(8) – Effective July 1, 2027

- Amends the definition of “regulated PFAS” by replacing “100 parts per million” with “50 parts per million” in subsection (8)(B)

Sec. 3b. Amends 18 V.S.A. § 1691(1) (Definitions)—Effective July 1, 2028

- Expands the definition of “apparel” to include “outdoor apparel for severe wet conditions”

Sec. 4. Creates 18 V.S.A. chapter 33D (PFAS in Athletic Turf Fields)

- § 1696. Definitions
 - Defines “Athletic turf field”, “Department”, and “Perfluoroalkyl and polyfluoroalkyl substances” and “PFAS”
- § 1697. Athletic Turf Fields
 - Prohibits manufacturers, suppliers, or distributors from selling, offering for sale, or distributing for sale or use an athletic turf field containing PFAS

- Section does not apply to the sale of athletic turf fields already approved by voters prior July 1, 2023
- § 1698. Certificate of Compliance
 - Permits the Attorney General to request a certificate of compliance from manufacturers of athletic turf fields
 - W/in 30 days of receiving the request, the manufacturer must either:
 - provide a certificate stating that the manufacturer’s products comply with the requirements of this chapter; or
 - notify sellers of the manufacturer’s products that sale of the product is prohibited and submit a list of notified sellers to the Attorney General
- § 1699. Rulemaking
 - Permits the Commissioner to adopt any rules necessary to implement, administrate, or enforce this chapter
- § 1699a. Penalties
 - (a) A violation of this chapter is also a violation of the Consumer Protection Act. The Attorney General has the same authorities, and private parties have the same rights and remedies, as provided under 9 V.S.A. chapter 63, subchapter 1 (consumer protection)
 - (b) This section does not preclude any other statutory or common law remedies

Sec. 5. Report; Management of PFAS Across Product Categories

- Directs the Dept. of Environmental Conservation, in consultation with the Dept. of Health, to submit a report containing recommendations on the comprehensive management of PFAS and other toxic chemicals by chemical class across a range of product categories

Sec. 6. Effective Dates

- Act effective on July 1, 2023, except:
 - Sec. 1 (chemicals in cosmetic products) and Sec. 3 (PFAS in ski wax and textiles) takes effect on January 1, 2025;
 - Sec. 3a (18 V.S.A. § 1691(8)) takes effect on January 1, 2027; and
 - Sec. 3b (definitions) takes effect on January 1, 2028