

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred Senate Bill  
3 No. 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 bill be  
7 amended by striking out all after the enacting clause and inserting in lieu  
8 thereof the following:

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

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

11 CHAPTER 36. CHEMICALS IN COSMETIC AND MENSTRUAL  
12 PRODUCTS

13 § 1721. 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           § 1722. 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;

12           (3) Bisphenols;

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

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

15           (4) Methylene glycol (CAS 463-57-0);

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

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

18           (6) 1, 4-dioxane (CAS 123-91-1);

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

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

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

- 1           (7) Isopropylparaben (CAS 4191-73-5);  
2           (8) Isobutylparaben (CAS 4247-02-3);  
3           ~~(14) Phenylparaben (CAS 17696-62-7);~~  
4           ~~(15) Propylparaben (CAS 94-13-3);~~  
5           ~~(16) Butylparaben (CAS 94-26-8);~~  
6           ~~(17) Pentylparaben (CAS 99-76-3);~~  
7           (9) Lead and lead compounds (CAS 7439-92-1);  
8           (10) Asbestos;  
9           ~~(20) Ethyl acrylate (CAS 140-88-5);~~  
10          (11) Aluminum salts;  
11          (12) Triclosan (CAS 3380-34-5);  
12          ~~(23) Methylisothiazolinone (CAS 2682-20-4);~~  
13          ~~(24) Methylchloroisothiazolinone (CAS 26172-55-4);~~  
14          (13) m-phenylenediamine and its salts (CAS 108-42-5); and  
15          (14) o-phenylenediamine and its salts (CAS 95-54-5); and  
16          ~~(27) p-phenylenediamine and its salts (CAS 106-50-3).~~  
17          (b) A cosmetic or menstrual product made through manufacturing  
18          processes intended to comply with this chapter and containing a technically  
19          unavoidable trace quantity of a chemical or chemical class listed in subsection  
20          (a) of this section shall not be in violation of this chapter on account of the  
21          trace quantity where it is the result of:

1           (1) natural or synthetic ingredients;

2           (2) the manufacturing process;

3           (3) storage; or

4           (4) migration from packaging.

5           (c) The manufacturer of a cosmetic or menstrual product containing 1,4  
6           dioxane, lead, lead compounds, or any combination of these chemicals may  
7           apply to the Department of Health for a one-year waiver from subsection (a) of  
8           this section. The Department shall only approve a waiver application in which  
9           the manufacturer submits evidence that the manufacturer has taken steps to  
10           reduce the presence of 1,4 dioxane, lead, lead compounds, or any combination  
11           of these chemicals in the cosmetic or menstrual product and is still unable to  
12           comply with subsection (a) of this section. The Department shall not approve  
13           more than two one-year waiver applications for a particular product.

14           § 1723. PENALTIES

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

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



1           (A) Clothing items intended for regular wear or formal occasions,  
2           including undergarments, shirts, pants, skirts, dresses, overalls, bodysuits,  
3           costumes, vests, dancewear, suits, saris, scarves, tops, leggings, school  
4           uniforms, leisurewear, athletic wear, sports uniforms, everyday swimwear,  
5           formal wear, onesies, bibs, diapers, footwear, and everyday uniforms for  
6           workwear. Clothing items intended for regular wear or formal occasions does  
7           not include personal protective equipment or clothing items for exclusive use  
8           by the U.S. Armed Forces.

9           (B) Outdoor apparel.

10          (C) Outdoor apparel for severe wet conditions.

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

12          ~~(2)~~(3) “Intentionally added” means the addition of a chemical in a  
13          product that serves an intended function in the product component.

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

17          (5) “Outdoor apparel for severe wet conditions” means outdoor apparel  
18          that are extreme and extended use products designed for outdoor sports experts  
19          for applications that provide protection against extended exposure to extreme  
20          rain conditions or against extended immersion in water or wet conditions, such  
21          as from snow, in order to protect the health and safety of the user and that are

1 not marketed for general consumer use. Examples of extreme and extended use  
2 products include outerwear for offshore fishing, offshore sailing, whitewater  
3 kayaking, and mountaineering.

4 ~~(3)~~(6) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” has  
5 the same meaning as in section 1661 of this title.

6 (7) “Personal protective equipment” has the same meaning as in section  
7 1661 of this title.

8 ~~(4)~~(8) “Ski wax” means a lubricant applied to the bottom of snow  
9 runners, including skis and snowboards, to improve their grip and glide  
10 properties.

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

16 (10) “Textile articles” means textile goods of a type customarily and  
17 ordinarily used in households and businesses, and includes apparel,  
18 accessories, handbags, backpacks, draperies, shower curtains, furnishings,  
19 upholstery, bedding, towels, napkins, and table cloths. “Textile articles” does  
20 not include:

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



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

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

4           (D) filtration media and filter products used in industrial applications,  
5 including chemical or pharmaceutical manufacturing and environmental  
6 control technologies; and

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

8 § 1692. SKI WAX

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 ski wax or  
11 related tuning products to which 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 § 1692a. TEXTILES

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 a textile or  
17 textile article to 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 § 1693. CERTIFICATE OF COMPLIANCE

20           The Attorney General may request a certificate of compliance from a  
21 manufacturer of ski wax, textiles, or textile articles. Within 30 days after

1 receipt of the Attorney General’s request for a certificate of compliance, the  
2 manufacturer shall:

3 (1) provide the Attorney General with a certificate attesting that the  
4 manufacturer’s product or products comply with the requirements of this  
5 chapter; or

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

10 § 1694. RULEMAKING

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

14 § 1695. PENALTIES

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

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



1           (1) provide the Attorney General with a certificate attesting that the  
2           manufacturer’s product or products comply with the requirements of this  
3           chapter; or

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

8           § 1699. RULEMAKING

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

12          § 1699a. PENALTIES

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

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

1 **Sec. 5. REPORT; MANAGEMENT OF PFAS ACROSS PRODUCT**

2 **CATEGORIES**

3 On or before November 15, 2023, the Department of Environmental  
4 Conservation, in consultation with the Department of Health, shall submit a  
5 report to the House Committee on Human Services and the Senate Committee  
6 on Health and Welfare containing recommendations on how to more  
7 comprehensively manage perfluoroalkyl and polyfluoroalkyl substances across  
8 a range of product categories.

9 \* \* \* Effective Dates \* \* \*

10 **Sec. 6. 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, 2025.

14  
15  
16  
17  
18 (Committee vote: \_\_\_\_\_)

19 \_\_\_\_\_  
20 Senator \_\_\_\_\_

21 FOR THE COMMITTEE